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"Uniform State Laws - A Means to Efficiency
Consistent with Democracy"
by Nathan William MacChesney, pp. 399-524

"Legislative Tendencies" by Walter George Smith
Presid on, pp. 531, 541

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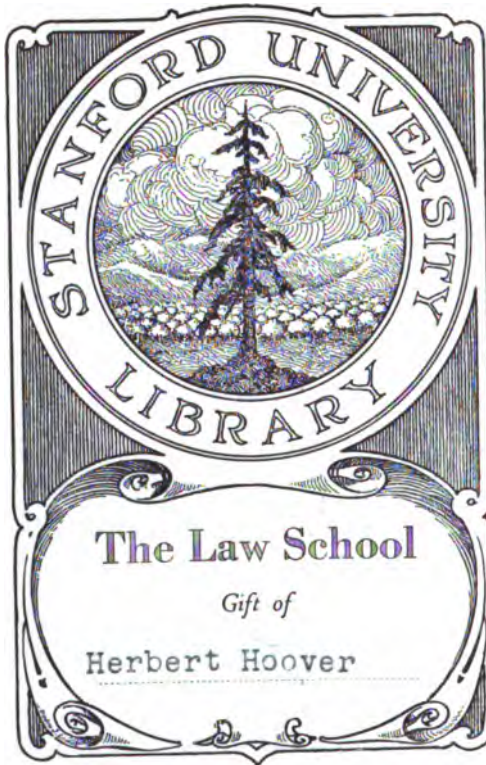
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Address of John Barrett, Director General, Pan
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"Distinctive Political Tendencies of the Times" by
Theodore E. Burton, former U.S. Senator from
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"International Duty and American Ideals"
by Theodore Roosevelt, former
President of the United States

pp. 745-785



To my friend,
Hon. Herbert Hoover
with best wishes of
Nathan William MacChesney
38th President
Illinois State Bar Association.

Chicago.

Nathan William MacChesney

1. Pictures frontispiece
2. Address as President pp. 399-524
"Uniform State Laws -
A Means to Efficiency
consistent with Democracy"
3. Official Biography pp. 525-5...



Nathan William McCluskey

OF THE CHICAGO BAR
38TH PRESIDENT, ILLINOIS STATE BAR ASSOCIATION
1915-1916

PROCEEDINGS
OF THE
Illinois State Bar Association

FORTIETH ANNUAL MEETING

AT CHICAGO, ILL.

May 31, June 1 and 2, 1916

EDITED BY
R. ALLAN STEPHENS
SECRETARY

CHICAGO
CHICAGO LEGAL NEWS CO.
32 N. Dearborn St.
1916

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CHARTER OF THE ILLINOIS STATE BAR ASSOCIATION.

To All to Whom These Presents Shall Come, Greeting:

WHEREAS, a certificate, duly signed and acknowledged has been filed in the office of the Secretary of State, on the 1st day of March, A. D. 1916, for the organization of the

ILLINOIS STATE BAR ASSOCIATION

under and in accordance with the provisions of "An act concerning Corporations" approved April 18, 1872, and in force July 1, 1872, and all acts amendatory thereof a copy of which certificate is hereto attached.

Now therefore, I, Lewis Stevenson, Secretary of State of the State of Illinois, by virtue of the powers and duties vested in me by law, do hereby certify that the said

ILLINOIS STATE BAR ASSOCIATION

is a legally organized Corporation under the laws of this State.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield this 1st day of March, A. D. 1916, and of the Independence of the United States the one hundred and fortieth.

(Signed) LEWIS G. STEVENSON,
Secretary of State.

(Seal)

Paid March 1, 1916,
\$10.00 L. T.

STATE OF ILLINOIS }
COUNTY OF SANGAMON } ss.

TO LEWIS G. STEVENSON,
SECRETARY OF STATE:

We, the undersigned, NATHAN WILLIAM MACCHESNEY, ROGER SHERMAN, WALTER M. PROVIN, JOHN F. VOIGT, FREDERICK A. BROWN, C. M. CLAY BUNTAIN, ALBERT D. EARLY, EDGAR B. TOLMAN, GEORGE H. WILSON and LOGAN HAY, Citizens of the United States, propose to form a Corporation under an act of the General Assembly of the State of Illi-

nois, entitled "An Act Concerning Corporations," approved April 18th, 1872, and all acts amendatory thereof, and that for the purpose of such organization we hereby state as follows, to wit:

1. The name of such Corporation is

ILLINOIS STATE BAR ASSOCIATION.

2. The object for which it is formed is to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal legal education, and to cultivate and cherish a spirit of brotherhood among the members thereof.

3. The management of the aforesaid Association shall be vested in a Board of Governors, composed of twelve members, consisting of the President, First Vice-President and two additional Vice-Presidents, Treasurer, Secretary and six others.

The President, Vice-Presidents and Secretary shall be elected annually by the membership, the remaining governors shall be elected for three years, two to be elected by the membership each year after the first election, at which time six shall be elected, two for one year, two for two years and two for three years.

4. The following persons are hereby selected as the Managers of control and manage said corporation until the first annual meeting, viz: NATHAN WILLIAM MACCHESNEY, ROGER SHERMAN, WALTER M. PROVIN, JOHN F. VOIGT, FREDERICK A. BROWN, C. M. CLAY BUNTAIN, ALBERT D. EARLY, EDGAR B. TOLMAN, LOGAN HAY and GEORGE H. WILSON.

5. The location is in the City of Springfield, in the County of Sangamon, in the State of Illinois, and the postoffice address of its business office is at Hotel Leland, 6th Street and Capital Ave., in the said city of Springfield.

Signed:

NATHAN WILLIAM MACCHESNEY,
ROGER SHERMAN,
WALTER M. PROVIN,
C. M. CLAY BUNTAIN,
FREDERICK A. BROWN,
ALBERT D. EARLY,
JOHN F. VOIGT,
EDGAR B. TOLMAN,
GEORGE H. WILSON,
LOGAN HAY.

STATE OF ILLINOIS }
COUNTY OF COOK } ss.

I, JOHN G. McDONALD, a Notary Public in and for the County and State aforesaid, do hereby certify that on this 25th day of February, A. D. 1916, personally appeared before me NATHAN WILLIAM MACCHESNEY, ROGER SHERMAN, JOHN F. VOIGT, FREDERICK A. BROWN, ALBERT D. EARLY, EDGAR B. TOLMAN, GEORGE H. WILSON, to me personally known to be the same persons who executed the foregoing certificate, and severally acknowledged that they had executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year first above written.

JOHN G. McDONALD,
Notary Public.

(Seal)

STATE OF ILLINOIS }
SANGAMON COUNTY } ss.

I, JOHN T. CREIGHTON, a Notary Public in and for the County and State aforesaid, do hereby certify, that on this 29th day of February, A. D. 1916, personally appeared before me LOGAN HAY, to me personally known to be the same person who executed the foregoing certificate, and acknowledged that he had executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year first above written.

JOHN T. CREIGHTON,
Notary Public.

(Seal)

STATE OF ILLINOIS }
COUNTY OF CHRISTIAN } ss.

I, C. T. HEWITT, a Notary Public in and for the County and State aforesaid, do hereby certify, that on this 26th day of February, A. D. 1916, personally appeared before me WALTER M. PROVIN, to me personally known to be the same person who executed the foregoing certificate, and acknowledged that he had executed the same for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year first above written.

C. T. HEWITT,
Notary Public.

(Seal)

STATE OF ILLINOIS }
COUNTY OF KANKAKEE } ss.

I, W. R. HUNTER, a Notary Public in and for the County and State aforesaid, do hereby certify, that on this 28th day of February, A. D. 1916, personally appeared before me C. M. CLAY BUNTAIN, to me personally known to be the same person who executed the foregoing certificate, and acknowledged that he had executed the same for the purpose therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year first above written.

W. R. HUNTER,
Notary Public.

(Seal)

BY-LAWS

OF THE

ILLINOIS STATE BAR ASSOCIATION.

ARTICLE I.

MEMBERSHIP.

SECTION 1. All members of the Illinois State Bar Association on the first day of March, A. D. 1916, are declared members of this Association.

SECTION 2. Applications for membership may be made at any time to the secretary. They shall be in writing and show the place of residence, (with office number and street in cities) age, date of admission and such other facts required by the Committee on Admissions of the applicant and bear the endorsement of two members of this association, and also be accompanied by an admission fee of five dollars. When the secretary shall have received such application for membership, he shall give notice of the name of the applicant to each member of the Committee on Admissions and to the secretary of the affiliated Bar Association of the county where the applicant resides if there be such an Association; if no objection to the admission of the applicant is made known to the committee within twenty days after the receipt of such notice, then the Committee on Admissions may at once pass upon such application, and a majority vote shall be sufficient to admit applicant to this Association.

The Committee on Admissions shall report all members admitted by such committee at the next succeeding annual meeting of the Association. The favorable action of the Committee on Admissions and the payment of the admission fee shall constitute the applicant a member of the Association. No annual dues shall be required for the first year's membership.

SECTION 3. Any member of the legal profession in good standing, residing or practicing in this state, and who is eligible to membership

in his local Bar Association, may be admitted to active membership.

SECTION 4. The justices of the Supreme Court of this state in commission, past justices of the same court not in practice, judges of the United States Circuit Court of Appeals, justices of the Supreme United States Court, resident or assigned in this state and the former presidents of the Association, shall be enrolled as Honorary Members.

SECTION 5. Distinguished members of the profession, whether residents of Illinois or not, may, by a vote of the Board of Governors, be elected as honorary members.

SECTION 6. All honorary members shall be entitled to all the privileges of membership, but shall not pay dues.

ARTICLE II.

DUTIES OF PRESIDENT.

SECTION 1. The president shall preside at all meetings of the Association and all meetings of the Board of Governors. He shall assume the general duties of his office on the adjournment of the annual meeting at which he is elected. He shall announce, within thirty days thereafter, all committees for the ensuing year, the appointment of which shall not have been otherwise provided for.

SECTION 2. He shall deliver the President's Annual Address, embodying briefly therein such reference to recent changes in the law of this state, its present state and administration, with his recommendations in respect thereto, as shall seem best calculated to conserve the general weal. The president shall be ineligible for re-election for the term succeeding his term of service.

DUTIES OF VICE-PRESIDENT.

SECTION 3. In his absence, or in case of vacancy in the office of president, the duties of the president shall be discharged by the first vice-president. And in the event the first vice-president is unable to serve, then the duties shall be discharged by the other vice-presidents in the order named by the Board of Governors.

ARTICLE III.

DUTIES OF TREASURER.

SECTION 1. The treasurer shall receive from the secretary and receipt for all moneys coming to the Association and safely keep and disburse the same under the direction of the Board of Governors. He shall give such surety bond, at the expense of the Association, as

may be required by the Board of Governors, and all checks shall be executed by the treasurer and countersigned by the secretary.

ARTICLE IV.

DUTIES OF SECRETARY.

SECTION 1. The secretary shall keep a record of the proceedings of the Association and the Board of Governors; be the keeper of the record and archives of the Association; superintend the publication and distribution of the publications of the Association, as directed by the Board of Governors. One or more assistant-secretaries shall be named by the Board of Governors.

SECTION 2. The assistant-secretaries, if any shall receive such compensation as may be, from time to time, fixed by the Board of Governors.

SECTION 3. One assistant-secretary shall be in charge of the office of the Association at Springfield.

ARTICLE V.

ANNUAL DUES.

SECTION 1. The annual dues of resident members shall be three dollars, payable to the secretary on demand.

SECTION 2. Members who, after third notice mailed to their last reported address, neglect or refuse the secretary's demands, may afterwards be expelled by a vote of the Board of Governors.

SECTION 3. Members of the Association who become non-residents of the State of Illinois, may, upon notice to the secretary, become non-resident members. The dues of non-resident members shall be one dollar per year.

ARTICLE VI.

ANNUAL MEETING.

SECTION 1. The Annual Meeting of the Association shall be held alternately in Cook County and outside of Cook County, at such time and place as may be designated by the Board of Governors.

SECTION 2. Special meetings may be called by the Board of Governors, and the business there transacted shall be only such as if designated in the notice therefor.

ARTICLE VII.

MEETINGS OF THE BOARD OF GOVERNORS.

SECTION 1. The Board of Governors shall meet annually, imme-

diately following the annual election and shall hold such other meetings from time to time as may be called by the president or any three members of the Board of Governors.

ARTICLE VIII.

STANDING COMMITTEES AT LARGE.

SECTION 1. The following standing committees shall, unless otherwise provided, be appointed by the president at large:

1. Judicial administration of nine members, which shall take note of all changes in the administration of the law, and recommend such as may, in its opinion, be entitled to the favorable consideration and endorsement of the Association; and, further, shall observe the workings of the judicial system of the state; shall collect information in reference thereto and recommend such action as it may deem admissible.

2. Law Reform of nine members—three to hold three years, three for two years and three for one year; and at such annual meeting three members shall be appointed in the place of those retiring, who shall serve for three years. It shall be the duty of this committee to consider and report to the Association such amendments of the law as, in its opinion, should be adopted; also to scrutinize proposed changes of the law, and recommend such as should receive the approval of the Association.

3. Legal Education of nine members.

4. Legal History and Biography.

5. Uniform State Laws of nine members.

6. Professional Ethics.

7. Program Committee, whose duty it shall be, subject to the approval of the president, to arrange suitable programs for all meetings of the Association.

A majority of the members of any standing committee at large shall reside in the same Supreme Court District.

STANDING COMMITTEES APPOINTED BY SUPREME COURT DISTRICTS.

SECTION 2. The following standing committees shall be appointed, one member of which shall reside in each Supreme Court District.

1. Bulletin Committee whose duty it shall be to publish the quarterly Bulletin.

2. Organization Committee to co-operate with Local Bar Associations. The member from each Supreme Court District shall be the chairman in his district of a sub-committee of five members.

3. Committee on New Members, whose duty it shall be to procure applications from lawyers, whose qualifications and attainments would make them desirable members of the Association. The mem-

ber from each Supreme Court District shall be the chairman in his district of a sub-committee of five members.

4. Committee on Admissions whose duty it shall be to pass on the qualification of applicants for admission. The member from each Supreme Court District shall be the chairman in his district of a sub-committee of five members.

5. Committee on Grievances, whose duty it shall be to secure charges and complaints and take action thereon as hereinafter provided. The member from each Supreme Court District shall be the chairman in his district of a sub-committee of five members.

SECTION 3. A necrologist shall be appointed by the president.

SECTION 4. Delegates to the American Bar Association—three in number with three alternates, shall be appointed by the president.

WITHDRAWAL FROM MEMBERSHIP.

SECTION 1. Withdrawal from membership may be effected by notice to the secretary and the payment of all unpaid dues, including those of the current year.

ARTICLE X.

CHARGES AND COMPLAINTS.

Whenever any complaint shall be preferred against a lawyer for unprofessional or unethical acts or conduct in his relation to his profession or conduct calculated to bring the profession into disrepute, such complaint shall be in writing, signed by the complainant, plainly stating the matter of which complaint is made, with particulars of time, place and circumstances, and filed with the Committee on Grievances, whereupon that committee shall refer the matter, if it deems wise, to the sub-committee of the appropriate district which shall proceed to examine into the matter under such regulations as it may from time to time adopt.

And it shall be the duty of the Committee on Grievances to take notice of unprofessional conduct and of violations by any member of the bar practicing in the State of Illinois of the canons of ethics as adopted by this association.

In order to further the work of the Committee on Grievances in its efforts to maintain and advance the standards of the Bar, and that the committee may take cognizance of all matters tending to affect the standing or character of the Bar, for the purpose of showing the disapproval of acts or conduct deserving censure and at the same

time doing justice to any lawyer guilty of unprofessional conduct or a violation of the canons of ethics, by recommending or inflicting a penalty more nearly commensurate with the offense in each case and thereby stimulating by properly graded penalties members of the Bar to follow rules of conduct and ethics more in accordance with the ideals of this Association and the said canons of ethics, the Committee on Grievances shall have power in all matters involving complaint of unprofessional acts or conduct or any violation of the canons of ethics:

1. To privately admonish the offender and recommend to such offender the proper course to pursue under the circumstances, and what, if any, reparation should be made to any one complaining.

2. To refer the matter with or without recommendations to the local Bar Association for the district where the lawyer complained of resides.

3. In all other cases the committee shall first report its conclusions to the Board of Governors in writing, and by and with the consent and approval of said Board of Governors may

(a). Publicly admonish the offender before the Board of Governors of this Association at any meeting thereof.

(b). Publicly admonish the offender before any regular meeting of the Association.

(c). Publish the names of offenders in any report of this Association with the statement of the offense and the censure of the committee.

(d). Suspend the offender from membership in this Association for not less than one year and not more than five years.

(e). Expel the offender from membership in the Association.

(f). File an information in the Supreme Court of Illinois with a recommendation to said court that the offender be privately admonished by the court.

(g). File an information in the Supreme Court of Illinois with a recommendation to said court that the offender be admonished by said court and that the admonition be entered of record and published in the current volume of the Reports of said Supreme Court.

(h). File an information in the Supreme Court of Illinois with a recommendation to said court that the offender be suspended from practice for a time to be specified of not less than six months nor more than five years, and that such suspension be published in the current volume of the Reports of said Court.

(i). File an information in the Supreme Court of Illinois with a recommendation to said court that the offender be disbarred from the further practice of his profession in the State of Illinois.

(j). And the Committee on Grievances may take similar appropriate action in the Federal Courts against lawyers enrolled therein.

It shall be the duty of the Committee on Grievances to prosecute all information against members of the Bar presented by the Committee to the Supreme Court of Illinois or in the Federal Courts.

Judges of Courts of Record in this state are requested by this Association to call the attention of the Committee on Grievances to any unprofessional conduct or violations of the canons of ethics on the part of any member of the profession practicing in such courts.

ARTICLE XI.

SPECIAL COMMITTEES.

SECTION 1. The president may appoint one or more special committees to represent the Association, and promote its interest, on any occasion deemed expedient by him; and over his official hand, attested by the secretary and treasurer, duly accrediting him or them as Special Committee.

SECTION 2. The president shall appoint committees at his discretion to attend the inauguration of judges and to attend the funeral or memorial exercises of members of the Association.

ARTICLE XII.

DISBARMENT.

SECTION 1. When it shall appear that a member of the Association has been disbarred, he shall thereupon cease to be a member, and the secretary shall drop his name from the roll of members.

ARTICLE XIII.

LIMITATIONS AS TO SPEAKERS.

SECTION 1. No member shall speak more than five minutes except by an affirmative vote of two-thirds of the members present, or except in the delivery of an address upon the regular program.

SECTION 2. No member shall speak more than once on any matter, question or motion.

ARTICLE XIV.

REPRESENTATIVES OF LOCAL BAR ASSOCIATION.

SECTION 1. Any county or city Bar Association within the State

of Illinois may become affiliated with this Association on application filed with the secretary and treasurer at any time. Such application shall be in writing, signed by the president and secretary of such local association, and shall state the name and object of such association, and give the number of its members. Such application shall be presented at the next succeeding annual meeting of this Association, and favorable action thereon by a majority vote shall constitute the applicant an affiliated association.

SECTION 2. Each affiliated association shall be entitled to at least one delegate to represent it in the State Association. If the local association shall have more than twenty members, it shall be entitled to two delegates and two delegates to every twenty members in addition thereto, or the major fraction thereof.

ARTICLE XV.

ELECTION OF OFFICERS.

SECTION 1. At least sixty days before each annual meeting the president shall appoint, as tellers, three members resident in the place where the meeting is to be held, who shall arrange for the election of officers at such meeting, and canvass the ballots there cast and report the result thereof at such meeting.

SECTION 2. Any twenty or more members of the Association may, in writing, nominate a candidate, or candidates, for each, or for any, of the officers, including the Board of Governors, of the Association. Such written nominations shall be filed with, and received by the secretary of the Association at least thirty days preceding the first day of the annual meeting. In case no nomination shall be made for any office, or if a vacancy shall occur by reason of death, refusal, or otherwise, in any nomination made as above, not less than ten days before the first day of the meeting, then the Board of Governors shall nominate such officer to fill such vacancy. The names of all persons so nominated shall be arranged alphabetically under the title of the offices to be filled, and the secretary shall cause such list to be printed in the form of the Australian ballot, and the same shall be voted in like manner and shall be the official ballot. At least five days before the annual meeting, the secretary shall mail to each member a copy of the official ballot, and no other ballot shall be received or counted.

SECTION 3. The ballot box for the election of officers shall be open from 9 till 10 o'clock A. M., and from 12:30 to 2 o'clock P. M., and from 7 to 9 o'clock P. M., of the first day and from 8:30 to 10

A. M., of the second day of the annual meeting. A plurality of the votes cast in person at any such election shall elect. Should any office fail to be filled by the election herein provided for, the same shall be filled by the members present at such meeting. No member shall be allowed to vote who is in arrears to the Association for his annual dues.

ARTICLE XVI.

QUORUM.

The Association shall convene at the place and hour indicated in the notice therefor. The presence of twenty-five members shall constitute a quorum.

ARTICLE XVII.

ORDER OF BUSINESS.

1. Reading of Minutes of preceding meeting.
2. Annual Report of Secretary.
3. Report of Board of Governors.
4. Annual Address by the President.
5. Reports of Standing Committee.
 - (a). Board of Governors.
 - (b). Judicial Administration.
 - (c). Law Reform.
 - (d). Legal Education.
 - (e). Grievances.
 - (f). Legal History and Biography.
 - (g). Necrologist.
6. Reports of Special Committees.
7. Special Addresses.
8. Miscellaneous Business.
9. Report Tellers of Election of Officers.

ARTICLE XVIII.

VACANCIES.

Vacancies created by the death, removal from the state or inexcusable neglect of duty of the incumbent shall be filled as follows:

In the case of president, vice-president and secretary and treasurer, or member of Board of Governors, such vacancy shall be filled by the Board of Governors, but only a vice-president shall be appointed to the office of president.

In the case of a vacancy of chairman of a committee, or other member thereof, such vacancy shall be filled by the president.

ARTICLE XIX.

AMENDMENTS.

These By-Laws may be amended at any meeting of the Board of Governors provided thirty days' notice of such amendments shall be given in writing to each member of the Board of Governors.

ILLINOIS STATE BAR ASSOCIATION

OFFICERS AND COMMITTEES.

It was formerly customary to here print the list of officers and committees for the ensuing year, but it seems more proper that the retiring officers and committees should be inserted, as this book is directly or indirectly, the result of their efforts. The officers and committees for the year 1916-1917 will be listed at the end of this volume.

OFFICERS AND COMMITTEES FOR 1915-1916.

OFFICERS.

President.

NATHAN WILLIAM MACCHESNEY.....Chicago

First Vice President.

*WILLIAM F. BUNDY.....Centralia

ALBERT D. EARLY.....Rockford

Vice Presidents.

ROGER SHERMANChicago

WALTER M. PROVINE.....Taylorville

Secretary and Treasurer.

JOHN F. VOIGT.....Mattoon

Board of Governors.

Frederick A. Brown, Chicago.

Albert D. Early, Ex-officio, Rockford.

George H. Wilson, Quincy.

Logan Hay, Springfield.

C. M. Clay Buntain, Kankakee.

Edgar B. Tolman, Chicago.

Nathan William MacChesney, Ex-officio, Chicago.

John F. Voigt, Ex-officio, Mattoon.

Roger Sherman, Chicago.

Walter M. Provine, Taylorville.

Leslie D. Puterbaugh, Peoria.

A. STANDING COMMITTEES FOR 1915-1916.

APPOINTED AT LARGE.

1. Judicial Administration.

William H. McSurely, Chairman, Chicago.

Carl E. Epler, Quincy.

*Deceased.

John P. McGoorty, Chicago.
 Oliver A. Harker, Urbana.
 E. W. Hinton, Chicago.
 June C. Smith, Centralia.
 Sidney C. Eastman, Chicago.
 E. D. Reynolds, Rockford.
 F. B. Johnstone, Chicago.
 S. A. Hubbard, Quincy.
 Alexander F. Reichmann, Chicago.

2. Law Reform.

Divided into three classes of three each appointed to serve three years.

Class of 1918	{	James M. Graham, Chairman, Springfield.
	{	Logan Hay, Springfield.
	{	Burnett M. Chipperfield, Canton.
Class of 1917	{	James H. Matheny, Springfield.
	{	Samuel D. Wead, Peoria.
	{	Norman L. Jones, Carrollton.
Class of 1916	{	F. W. Burton, Carlinville.
	{	Robert E. Pendarvis, Chicago.
	{	Charles L. Billings, Chicago.

3. Legal Education.

James Parker Hall, Chairman, Chicago.
 Edward H. Decker, Urbana.
 George P. Costigan, Jr., Chicago.
 William T. Wilson, Jacksonville.
 Edward T. Lee, Chicago.
 Clayton J. Barber, Springfield.
 George E. Chipman, Chicago.
 Robert P. Vall, Decatur.
 Russell Whitman, Chicago.

4. Legal History and Biography.

George A. Lawrence, Chairman, Galesburg.
 Charles W. Flack, Macomb.
 A. W. O'Harra, Carthage.
 J. B. Brown, Monmouth.
 James W. Gordon, Oquawka.
 Orrin N. Carter, Evanston.
 Frederick B. Crossley, Chicago.
 Ralph H. Wilkin, Springfield.
 Mazzini Slusser, Wheaton.

5. Necrologist.

Thomas Dent, Chicago.

6. Uniform State Laws.

Frederick R. DeYoung, Chairman, Chicago.

William J. Graham, Aledo.

Ernst Freund, Chicago.

Elm J. Hawbaker, Monticello.

John H. Wigmore, Chicago.

Leslie D. Puterbaugh, Peoria.

Donald R. Richberg, Chicago.

Arthur M. Fitzgerald, Springfield.

Fletcher Dobyns, Chicago.

Lessing Rosenthal, Chicago.

Edwin H. Cassels, Chicago.

7. Professional Ethics.

John M. Zane, Chairman, Chicago.

James H. Cartwright, Oregon.

Ben M. Smith, Chicago.

Harry Higbee, Pittsfield.

Rudolph Matz, Chicago.

E. S. Smith, Springfield.

James C. McShane, Chicago.

Franklin H. Boggs, Urbana.

W. T. Alden, Chicago.

Dorrance Dibell, Joliet.

Sigmund Zeisler, Chicago.

8. Delegates to American Bar Association.**Delegates:**

Edgar A. Bancroft, Chairman, Chicago.

Edward C. Kramer, East St. Louis.

Thomas J. Norton, Chicago.

Alternates:

Samuel Alschuler, Chicago.

Thomas Worthington, Jacksonville.

George T. Buckingham, Chicago.

B. STANDING COMMITTEES FOR 1915-1916.

Appointed by Supreme Courts Districts.

1. Publisher, Editor and Associate Editors, Quarterly Bulletin.

Publisher and Editor—

R. Allan Stephens, Danville.

Associate Editors—

1st Supreme Court District.

William N. Butler, Cairo.

2nd Supreme Court District.

J. Van E. Marsh, Alton.

3rd Supreme Court District.

Sidney S. Breese, Springfield.

4th Supreme Court District.

Bernard D. Connelly, Rock Island.

5th Supreme Court District.

Wilfred Arnold, Galesburg.

6th Supreme Court District.

Stanton A. Hyer, Rockford.

7th Supreme Court District.

James Edgar Brown, Chicago.

2. Organization Committee, and Committee to Co-operate with the Local Bar Associations.**General Committee:**

R. Allan Stephens, Chairman, Danville.

George A. Crow, East St. Louis.

L. V. Hill, Hillsboro.

W. Edgar Sampson, Springfield.

Frank J. Penick, Quincy.

J. D. Welsh, Galesburg.

R. K. Welsh, Rockford.

George A. Barr, Joliet.

1st Supreme Court District Committee:

George A. Crow, Chairman, East St. Louis.

Robert J. McElvalne, Murphysboro.

Frank Perrin, Belleville.

George B. Baker, Golconda.

James A. Watson, Elizabethtown.

2nd Supreme Court District Committee:

L. V. Hill, Chairman, Hillsboro.

Noah M. Tohill, Lawrenceville.

George B. Rhoads, Shelbyville.

Roy N. Anderson, Pittsfield.

Harry J. Rickelman, Effingham.

3rd Supreme Court District Committee:

W. Edgar Sampson, Chairman, Springfield.

William K. Bracken, Bloomington.

Elim J. Hawbaker, Monticello.

Bryan H. Tivnen, Mattoon.

A. F. Goodyear, Watseka.

4th Supreme Court District Committee:

Frank J. Penick, Chairman, Quincy.
Lawrence M. Magill, Moline.
Charles W. Flack, Macomb.
H. C. Moran, Canton.
Hugh E. Curtis, Rock Island.

5th Supreme Court District Committee:

J. D. Welsh, Chairman, Galesburg.
James H. Rennick, Toulon.
Robert P. Jack, Peoria.
Arthur H. Shay, Streator.
H. Sterling Pomeroy, Kewanee.

6th Supreme Court District Committee:

W. K. Welsh, Chairman, Rockford.
M. J. Dillon, Galena.
Douglass Pattison, Freeport.
Carl E. Sheldon, Sterling.
Edward M. Mangan, Aurora.

7th Supreme Court District Committee:

George A. Barr, Chairman, Joliet.
Ralph J. Dady, Waukegan.
George A. Brinkman, Chicago Heights.
W. R. Hobbie, Kankakee.
John A. Bloomington, Chicago.

3. New Members Committee.**General Committee:**

Bruce A. Campbell, Chairman, East St. Louis.
Charles A. Karch, Belleville.
John J. Brown, Vandalia.
Richard S. Dyas, Paris.
H. E. Schmiedeskamp, Quincy.
Rector C. Hitt, Ottawa.
Robert G. Earley, Geneva.
John E. Kehoe, Chicago.

1st Supreme Court District Committee:

Charles A. Karch, Chairman, Belleville.
Otis F. Glenn, Murphysboro.
Miles F. Gilbert, Cairo.
P. J. Kolb, Mt. Carmel.
Charles Temple, Hardin.

2nd Supreme Court District Committee:

John J. Brown, Chairman, Vandalia.

Stoy J. Maxwell, Robinson.
Ben H. Matthews, Pittsfield.
J. V. E. Marsh, Alton.
Harry J. Rickelman, Effingham.

3rd Supreme Court District Committee:

Richard S. Dyas, Chairman, Paris.
Warren E. Lewis, Springfield.
William S. Cone, Charleston.
Frank Lindley, Paxton.
Calvin Rayburn, Bloomington.

4th Supreme Court District Committee:

H. E. Schmiedskamp, Chairman, Quincy.
William A. Meese, Moline.
John D. Miller, Carthage.
James W. Clendenin, Monmouth.
G. E. Nelson, Petersburg.

5th Supreme Court District Committee:

Rector C. Hitt, Chairman, Ottawa.
R. D. Robinson, Galesburg.
Harry G. Cook, Ottawa.
Fred H. Hand, Cambridge.
L. M. Eckert, Princeton.

6th Supreme Court District Committee:

Robert G. Earley, Chairman, Geneva.
Ernest C. Gridley, Belvidere.
Louis H. Burrell, Freeport.
Royce A. Kidder, Sterling.
Benjamin P. Alschuler, Aurora.

7th Supreme Court District Committee:

John E. Kehoe, Chairman, Chicago.
Eben B. Gowen, Kankakee.
John H. Garnsey, Joliet.
Donald S. Trumbull, Chicago.
Wells M. Cook, Chicago.

4. Admissions Committee.

General Committee.

Clarence Griggs, Chairman, Ottawa.
F. J. Tecklenberg, Belleville.
Edward C. Knotts, Carlinville.
Frank T. O'Hair, Paris.
Thomas Worthington, Jacksonville.
George J. Jochem, Peoria.

Frank G. Plain, Aurora.
William R. Hunter, Kankakee.

1st Supreme Court District Committee:

F. J. Tecklenberg, Chairman, Belleville.
Charles E. Feirich, Carbondale.
Thomas L. Fekete, Jr., East St. Louis.
Edward M. Spiller, Marion.
John M. Herbert, Murphysboro.

2nd Supreme Court District Committee:

Edward C. Knotts, Chairman, Carlinville.
Paul McWilliams, Litchfield.
Charles H. Burton, Edwardsville.
H. R. Snavely, Marshall.
John E. Hogan, Taylorville.

3rd Supreme Court District Committee:

Frank T. O'Hair, Chairman, Paris.
A. F. Bernard, Springfield.
Fred C. Hill, Clinton.
Richard S. Dyas, Paris.
J. W. Powers, Pekin.

4th Supreme Court District Committee:

Thomas Worthington, Chairman, Jacksonville.
John E. Wall, Quincy.
Walter I. Manny, Mt. Sterling.
Rufus F. Robinson, Oquawka.
Scott S. Nortrup, Havana.

5th Supreme Court District Committee:

George J. Jochem, Chairman, Peoria.
Arthur C. Fort, Minonk.
Alvah S. Green, Galesburg.
W. H. Boys, Streator.
Richard D. Mills, Ottawa.

6th Supreme Court District Committee.

Frank G. Plain, Chairman, Aurora.
William C. DeWolf, Belvidere.
John A. Dowdall, DeKalb.
Solon W. Crowell, Oregon.
H. Henry Mackay, Mt. Carroll.

7th Supreme Court District Committee:

William R. Hunter, Chairman, Kankakee.
Ernest L. Kreamer, Chicago.

Robert W. Martin, Joliet.
Trygve A. Siqueland, Chicago.
Louis J. Behan, Chicago.

5. Committee on Grievances.

General Committee:

Delbert A. Clithero, Chairman, Chicago.
Albert Watson, Mt. Vernon.
William B. Wright, Effingham.
F. L. Hatch, Springfield.
Charles J. Scofield, Carthage.
Clarence B. Chapman, Ottawa.
Henry S. Dixon, Dixon.
Cecil Page, Chicago.

1st Supreme Court District Committee:

Albert Watson, Chairman, Mt. Vernon.
David S. Lansden, Cairo.
John M. Herbert, Murphysboro.
P. J. Kolb, Mt. Carmel.
Charles K. Roedel, Shawneetown.

2nd Supreme Court District Committee:

William B. Wright, Chairman, Effingham.
William P. Early, Edwardsville.
George W. Lackey, Lawrenceville.
John J. Bundy, Centralia.
R. S. Rowland, Olney.

3rd Supreme Court District Committee:

F. L. Hatch, Chairman, Springfield.
Jesse L. Deck, Decatur.
A. L. Anderson, Lincoln.
Louis A. Busch, Champaign.
Charles Troup, Danville.

4th Supreme Court District Committee:

Charles J. Scofield, Chairman, Carthage.
Floyd E. Thompson, Rock Island.
Philip E. Elting, Macomb.
John J. Reeve, Jacksonville.
Robert L. Watson, Aledo.

5th Supreme Court District:

Clarence B. Chapman, Chairman, Ottawa.
Armor Moreland, Galesburg.
John M. Elliott, Peoria.

Chester M. Turner, Cambridge.
Cairo A. Trimble, Princeton.

6th Supreme Court District.

Henry S. Dixon, Chairman, Dixon.
John M. Stager, Sterling.
Thomas J. Sheehan, Galena.
Robert S. Egan, Elgin.
Bruce H. Garrett, Rockford.

7th Supreme Court District:

Cecil Page, Chairman, Chicago.
Charles H. King, Waukegan.
James L. O'Donnell, Joliet.
Alexis L. Granger, Kankakee.
John L. Fogle, Chicago.

C. SELECT COMMITTEES FOR 1915-1916.

1. Programme Committee.

Frederick A. Brown, Chairman, Chicago.
Chester G. Vernier, Urbana.
Charles J. O'Connor, Chicago.
Lester H. Strawn, Springfield.
Frederick P. Vose, Chicago.
A. D. Rodenberg, Centralia.
George T. Buckingham, Chicago.
George A. Crow, East St. Louis.
Rush C. Butler, Chicago.

2. Select Committee to Present Invitation of the Illinois Bar to the American Bar Association to Hold its 1916 Annual Meeting in Chicago.

Edgar A. Bancroft, Chairman, Chicago.
George T. Page, Peoria.
S. S. Gregory, Chicago.
Edward Rector, Chicago.
Edward C. Kramer, East St. Louis.
William J. Calhoun, Chicago.
William F. Bundy, Centralia.
John J. Herrick, Chicago.
E. P. Williams, Galesburg.
Horace K. Tenney, Chicago.
Orrin N. Carter, Chicago.
Charles S. Cutting, Chicago.
Jacob M. Dickinson, Chicago.
Silas H. Strawn, Chicago.

John T. Richards, Chicago.
Wm. C. Niblack, Chicago.
John S. Miller, Chicago.
Joseph H. DeFrees, Chicago.
Frederick A. Brown, Chicago.
John M. Zane, Chicago.

3. Special Committee on Special Train to the 1915 American Bar Association Meeting.

Charles J. O'Connor, Chairman, Chicago.
Ray S. Anderson, Pittsfield.
E. Bentley Hamilton, Peoria.
Henry R. Baldwin, Chicago.
Oliver A. Harker, Champaign.
Bruce A. Campbell, East St. Louis.
John T. Richards, Chicago.
James H. Matheny, Springfield.

4. Special Committee to Promote Adoption of Plan of Committee on Masters in Chancery.

Merritt W. Starr, Chairman, Chicago.
Phillip S. Post, Jr., Chicago.
Carl E. Epler, Quincy.
Andrew R. Sheriff, Chicago.
W. E. Knowles, East St. Louis.
Roswell B. Mason, Chicago.
Percy B. Eckhart, Chicago.
Frank F. Noleman, Centralia.
Thomas Taylor, Chicago.
A. E. Crisler, Chester.
Albert M. Kalès, Chicago.

5. Special Committee on Corporations Assuming to Practice Law Without a License.

Marquis Eaton, Chairman, Chicago.
George J. Jochem, Peoria.
Amos C. Miller, Chicago.
William L. Patton, Springfield.
John T. Richards, Chicago.
Fred C. Hill, Clinton.
Carl R. Latham, Chicago.
William M. Acton, Danville.
A. W. Bulkley, Chicago.
Harry E. Smoot, Chicago.
Edward F. Dunne, Jr., Chicago.

6. Committee on Costs and Expenses of Litigation.

Joseph W. Moses, Chairman, Chicago.

Benjamin P. Alschuler, Aurora.

John L. Shortall, Chicago.

Samuel Topliff, Chicago.

Frederick Z. Marx, Chicago.

Daniel P. Trude, Chicago.

Harry Olson, Chicago.

Frederic P. Norcross, Chicago.

Albert C. Barnes, Chicago.

Charles J. Searle, Rock Island.

Carl R. Lathan, Chicago.

7. Committee on Non Partisan Judiciary.

E. C. Kramer, Chairman, East St. Louis

Henry Scofield, Chicago.

Benjamin P. Alschuler, Aurora.

James M. Hamill, Belleville.

Robert E. Pendarvis, Chicago.

J. V. E. Marsh, Alton.

L. Bernreuter, Nashville.

James J. Barbour, Chicago.

William O. Edwards, Pinckneyville.

8. Special Committee on Schedule of Charges as Guide to New Members of the Bar.

William G. McRoberts, Chairman, Peoria.

Samuel A. Harper, Chicago.

George T. Page, Peoria.

Quin O'Brien, Chicago.

W. H. Stead, Chicago.

William R. Curran, Pekin.

E. C. Ferguson, Chicago.

John R. Montgomery, Chicago.

H. S. Hicks, Rockford.

Elwood G. Godman, Chicago.

James Stillwell, Chicago.

9. Committee on Classification of Illinois Law.

Floyd R. Mechem, Chairman, Chicago.

Jesse Holdom, Chicago.

Samuel P. Irwin, Bloomington.

William H. Sexton, Chicago.

George M. Thompson, Bement.

Preston Kumler, Chicago.

Edward D. Shurtleff, Marengo.
Martin M. Gridley, Chicago.
William G. Hale, Urbana.
Julian W. Mack, Chicago.
Walter W. Cook, Chicago.

10. Committee on Legislative Drafting.

Ernst Freund, Chairman, Chicago.
Kent E. Kelly, Ava.
Nells Juul, Chicago.
Finley F. Bell, Springfield.
W. Clyde, Jones, Chicago.
James Hicks, Monticello.
William McKinley, Chicago.
A. C. Cliffe, Sycamore.
Harry G. Bigelow, Chicago.
Frederick Green, Urbana.
R. W. Millar, Chicago.

11. Committee on Expenses and Audit.

Hugo Sonnenschein, Chairman, Chicago.
H. A. Converse, Springfield.
Louis E. Hart, Chicago.
Warren E. Lewis, Springfield.
James S. Handy, Chicago.

12. Committee to Co-operate with Illinois Society of Criminal Law and Criminology and to Improve the Administration of the Criminal Law.

Albert C. Barnes, Chairman, Chicago.
George Kersten, Chicago.
George T. Page, Peoria.
Thomas E. Rooney, Chicago.
Chester G. Vernier, Urbana.
James Jackson Forstall, Chicago.
C. Everett Smith, Lincoln.
Ralph J. Dady, Waukegan.
Robert W. Martin, Joliet.
William N. Butler, Cairo.
Guy R. Williams, Havana.

13. Committee on Permanent Headquarters at Springfield.

George H. Wilson, Chairman, Quincy.
James H. Matheny, Springfield.
James M. Graham, Springfield.
Edward C. Kramer, East St. Louis.
Albert D. Early, Rockford.
Walter M. Provine, Taylorville.

14. Committee on New Constitution for Illinois.

George T. Buckingham, Chairman, Chicago.

P. J. Lucey, Springfield.

Eugene H. Dupee, Chicago.

Charles S. Deneen, Chicago.

James Hamilton Lewis, Chicago.

Logan Hay, Springfield.

Henry Scofield, Chicago.

Oliver A. Harker, Urbana.

Albert M. Kales, Chicago.

Charles H. Hamill, Chicago.

S. S. Gregory, Chicago.

15. Committee on Judicial Section.

To arrange for general meeting of all Judges in state to be known as Judicial Section.

To cooperate with Association of County and Probate Judges.

William M. Farmer, Chairman, Vandalia.

Mitchell D. Follansbee, Vice Chairman, Chicago.

Orrin N. Carter, Chicago.

Albert Watson, Mt. Vernon.

James H. Cartwright, Oregon.

F. K. Dunn, Charleston.

George A. Cooke, Aledo.

Charles C. Craig, Galesburg.

W. W. Duncan, Marion.

Charles M. Thomson, Chicago.

Percy B. Eckhart, Chicago.

John B. Weaver, Springfield.

Henry Clay Horner, Chicago.

John B. Flithian, Joliet.

Oscar E. Heard, Freeport.

16. Committee to Devise Plan for Retirement Fund for Aged Lawyers and to Raise Funds Therefor.

Joseph H. Defrees, Chairman, Chicago.

John P. Wilson, Chicago.

John S. Miller, Chicago.

Henry Russell Platt, Chicago.

Thomas B. Marston, Chicago.

George P. Fisher, Chicago.

John Barton Payne, Chicago.

Frederick H. Wickett, Chicago.

Harrison Musgrave, Chicago.

Kemper K. Knapp, Chicago.

Robert Redfield, Chicago.

17. Committee on the Enforcement of Law and to Co-operate with the Illinois States Attorneys Association.

Oscar H. Wylie, Chairman, Paxton.

Maclay Hoyne, Chicago.

David R. Joselyn, Woodstock.

Wayne H. Dyer, Kankakee.

Herbert J. Friedman, Chicago.

Martin A. Brennan, Bloomington.

Jesse L. Deck, Decatur.

Oscar W. Brecher, Chicago.

Edmund Burke, Springfield.

Manford Savage, Champaign.

Charles Center Case, Jr., Chicago.

18. Committee on Revision of Constitution and By-Laws of Association.

Frederick A. Brown, Chairman, Chicago.

William R. Curran, Pekin.

Edgar A. Bancroft, Chicago.

Harry Higbee, Pittsfield.

Horace K. Tenney, Chicago.

Robert McMurdy, Chicago.

Albert D. Early, Rockford.

Roger Sherman, Chicago.

Walter M. Provine, Taylorville.

19. Committee to Arrange for Bar Primary When District in Which Judge is to be Elected is Larger Than a Single County.

Rudolph J. Kramer, East St. Louis.

F. W. Burton, Carlinville.

Harry P. Boyer, Champaign.

Charles W. Flack, Macomb.

H. A. Smith, Oregon.

Edwin M. Ashcraft, Jr., Chicago.

John W. Beckwith, Chicago.

Walter D. Herrick, Chicago.

Hugh T. Martin, Chicago.

Charles W. Paltzer, Chicago.

20. Delegate to Attend Conference on Juvenile Court of Cook County.

Harry E. Smoot, Chicago.

21. Special Committee to Present Resolutions on Death of Judge Alonso K. Vickers.

Bruce A. Campbell, East St. Louis.

James H. Matheny, Springfield.

Robert McMurdy, Chicago.

22. Committee to Attend Funeral of Hon. Benson Wood of Effingham, President of the Illinois Bar 1899-1900, and to Act as Honorary Pallbearers.

William F. Bundy, Centralia.
James H. Matheny, Springfield.
William B. Wright, Effingham.
Albert M. Rose, Louisville.
R. C. Harrah, Effingham.
John J. Brown, Vandalia.
W. S. Holmes, Effingham.
George B. Rhoads, Shelbyville.
Harry J. Rickelman, Effingham.
R. F. Taylor, Effingham.

23. Committee to Inaugurate Samuel Alschuler as U. S. Circuit Judge.

Edgar Bronson Tolman, Chairman, Chicago.
S. S. Gregory, Chicago.
Thomas M. Hoyne, Chicago.
Harry E. Smoot, Chicago.
Edward Sonnenschein, Chicago.
William B. McIlvaine, Chicago.
George P. Merrick, Chicago.
Charles F. Morse, Chicago.
P. J. O'Keefe, Chicago.

HONORARY MEMBERS.

EX-PRESIDENTS OF THE ASSOCIATION.

Anthony Thornton*	1877, 1878, 1879	Shelbyville
David McCulloch*	1880	Peoria
Orville H. Browning*	1881	Quincy
Elijah B. Sherman,* vice Browning	1881	Chicago
Charles C. Bonney*	1882	Chicago
William L. Gross*	1883	Springfield
David Davis*	1884	Bloomington
Benjamin S. Edwards*	1885	Springfield
Melville W. Fuller*	1886	Washington, D. C.
E. B. Green	1887	Mt. Carmel
Thomas Dent	1888	Chicago
Ethelbert Callahan	1889	Robinson
James B. Bradwell*	1890	Chicago
James M. Riggs	1891	Winchester
Lyman Trumbull*	1892	Chicago
Samuel P. Wheeler*	1893	Springfield
Elliott Anthony*	1894	Chicago
Oliver A. Harker	1895	Champaign
John H. Hamline*	1896-7	Chicago
Alfred Orendorff*	1897-8	Springfield
Harvey B. Hurd*	1898-9	Chicago
Benson Wood*	1899-0	Effingham
Jesse Holdom	1900-1	Chicago
John S. Stevens*	1901-2	Peoria
Murray F. Tuley*	1902-3	Chicago
Charles L. Capen	1903-4	Bloomington
Stephen S. Gregory	1904-5	Chicago
George T. Page	1905-6	Peoria
Harrison Musgrave	1906-7	Chicago
James H. Matheny	1907-8	Springfield
E. P. Williams	1908-9	Galesburg
Edgar A. Bancroft	1909-10	Chicago
William R. Curran	1910-11	Pekin
Horace K. Tenney	1911-12	Chicago
Harry Higbee	1912-13	Pittsfield
Robert McMurdy	1913-14	Chicago
Edward C. Kramer	1914-15	East St. Louis
Nathan William MacChesney	1915-16	Chicago

*Deceased.

HONORARY MEMBERS.

JUSTICES OF THE SUPREME COURT.

IN COMMISSION.

Charles C. Craig, Chief Justice.....	Galesburg, Ill.
James H. Cartwright.....	Oregon, Ill.
William M. Farmer.....	Vandalia, Ill.
Orrin N. Carter.....	Chicago, Ill.
Frank K. Dunn.....	Charleston, Ill.
George A. Cooke.....	Aledo, Ill.
Warren W. Duncan.....	Marion, Ill.

EX-JUSTICES OF THE SUPREME COURT.

PERIOD IN COMMISSION.

Simeon P. Shope, 1885-1894.....	Chicago
Carroll C. Boggs, 1897-1906.....	Fairfield

JUDGE OF THE UNITED STATES SUPREME COURT.

SEVENTH CIRCUIT, ASSIGNED TO ILLINOIS.

James C. McReynolds.....	Washington, D. C.
--------------------------	-------------------

Mrs. Beattie Bradwell Helmer, Chicago.
 Henry Wade Rogers, New Haven, Conn.
 Mrs. Ada H. Kepley, Effingham.
 Edwin T. Merrick, New Orleans, La.
 Alton B. Parker, New York.
 John B. Winslow, Madison, Wis.
 Oliver H. Dean, Kansas City, Mo.
 Floyd R. Mechem, Chicago.
 George W. Wickersham, Washington, D. C.
 Quincy A. Myers, Indianapolis, Ind.
 James C. Kerwin, Neenah, Wis.
 Joseph B. Moore, Lansing, Mich.
 W. H. Timlin, Madison, Wis.
 O. H. Montgomery, Indianapolis, Ind.
 John V. Hadley, Indianapolis, Ind.

HONORARY MEMBERS—Continued.

Charles J. Bonaparte, Baltimore, Md.
William E. Higgins, Lawrence, Kansas.
Herbert Harley, 1732 First Natl. Bank Bldg., Chicago.
Isaac N. Bassett, Aledo, Ill.
Alexander P. Humphrey, Louisville, Ky.
Theodore E. Burton.
Theodore Roosevelt.
Walter George Smith, Philadelphia, Pa.
Charles J. Doherty, Montreal, Canada.

*Deceased.

†Active members of the Association.

ROLL OF MEMBERS

- 1899 Abbey, Charles P., Chicago
 1898 Abbot, William T., Chicago
 1911 Abbott, Edwin H., Chicago
 1914 Acton, Robert Dow, Danville
 1909 Acton, William M., Danville
 1915 Adair, J. Leroy, Quincy
 1911 Adami, Victor J., Coulterville
 1912 Adams, Cyrus H. Jr., Chicago
 1910 Adams, Francis, Chicago
 1909 Adams, George E., Chicago
 1906 Adams, William A., Chicago
 1903 Addington, Keene H., Chicago
 1891 Adkinson, Elmer W., Chicago
 1911 Adler, Sidney, Chicago
 1911 Ahern, C. J., Dwight
 1912 Ahrens, John P., Chicago
 1915 Akers, A., Quincy
 1897 Akin, Edward C., Joliet
 1905 Alden, W. T., Chicago
 1888 Aldrich, Charles H., Chicago
 1910 Aldrich, Nathan J., Aurora
 1913 Allen, Edward P., Quincy
 1905 Alschuler, Benjamin P., Aurora
 1898 Alschuler, Samuel, Chicago
 1915 Alsager, C. Martin, Chicago
 1916 Althelmer, B. J., Chicago
 1916 Anderson, Albert C., Charleston
 1900 Anderson, A. L., Lincoln
 1910 Anderson, Ray N., Pittsfield
 1913 Anderson, W. E. P., Carlinville
 1907 Anderson, S. S., Charleston
 1897 Andrews, James DeWitt, New York
 1913 Andrews, Harry B., Rockford
 1913 Angerstein, Thomas C., Chicago
 1895 Anthony, Charles E., Chicago
 1895 Anthony, George D., Chicago
 1907 ApMadoc, William Tudor, Chicago
 1908 Appell, Albert J. W., Chicago
 1912 Appell, Carl J., Chicago
 1916 Armitage, Elton C., Chicago
 1904 Armstrong, M. N., Ottawa
 1890 Arnd, Charles, Chicago
 1896 Arney, John J., Casey
 1907 Arnold, Wilfred, Galesburg
 1908 Arnold, Victor P., Chicago
 1886 Ashcraft, E. M., Chicago
 1909 Ashcraft, Raymond M., Chicago
 1909 Atherton, Harvey H., Lewiston
 1911 Atkinson, Charles A., Chicago
 1913 Austin, C. G. Jr., Chicago
 1896 Austrian, Alfred S., Chicago
 1915 Babcock, Rolla, Carthage
 1911 Bach, William R., Bloomington
 1891 Bacon, Henry M., Chicago
 1911 Baer, A. H., Belleville
 1912 Baer, Otto, Chicago
 1911 Bagby, George M., Chicago
 1912 Baker, Dillard B., Chicago
 1909 Baker, Horace, El Paso
 1910 Baldwin, Francis E., Chicago
 1904 Baldwin, Henry R., Chicago
 1908 Baldwin, James S., Decatur
 1886 Baldwin, Jesse A., Chicago
 1897 Baldwin, R. R., Chicago
 1903 Ball, A. C., Pontiac
 1904 Ball, Farlin H., Chicago
 1891 Ball, Farlin Q., Oak Park
 1891 Bancroft, Edgar A., Chicago
 1910 Bandy, J. M., Granite City
 1907 Banfill, Solon, Bushnell
 1898 Bangs, Fred A., Chicago
 1908 Bangs, Hal C., Chicago
 1892 Banning, Thomas A., Chicago
 1911 Barasa, Bernard P., Chicago
 1907 Barber, Clayton J., Springfield
 1898 Barbour, James J., Chicago
 1911 Bardwell, A. C., Dixon
 1905 Barker, Burt Brown, Chicago
 1911 Barnes, John P., Chicago
 1915 Barnes, Philip W., Lawrenceville
 1896 Barnes, R. Magoon, Lacon
 1896 Barnes, V. V., Zion City
 1909 Barnes, Albert C., Chicago
 1899 Barnett, Otto R., Chicago
 1906 Barnhart, Marvin E., Chicago
 1909 Barr, George A., Joliet
 1914 Barr, Richard J., Joliet
 1913 Barr, W. W., Carbondale
 1910 Barrett, George F., Chicago
 1912 Barrett, George Farmer, Chicago
 1906 Barrett, Oliver R., Chicago
 1909 Barron, Edward H., Chicago
 1901 Barry, Gerald G., Chicago
 1896 Bartelme, Mary M., Chicago
 1908 Bartholomay, Henry, Chicago
 1915 Bartlett, Chas. L., Quincy
 1903 Bartlett, Charles Carroll, Chicago
 1910 Bartlett, Charles L., Chicago

- 1913 Bartlett, S. W., Mendota
 1905 Bartley, Charles E., Chicago
 1877 Bassett, I. N., Aledo
 1910 Bates, Jeanette, Chicago
 1901 Batten, John H., Chicago
 1897 Baume, James S., Galena
 1910 Bayley, Edwin F., Chicago
 1908 Bayston, A. H., Miami, Fla.
 1901 Beach, Cliff E., Paxton
 1901 Beach, Elmer E., Chicago
 1892 Beach, Myron H., San Antonio, Tex.
 1898 Beach, Raymond W., Chicago
 1911 Beach, T. T., Lincoln
 1897 Beale, William G., Chicago
 1914 Beaubien, C. F., Waukegan
 1911 Behan, Louis J., Chicago
 1903 Becker, Benjamin V., Chicago
 1911 Beckwith, John W., Chicago
 1915 Bedford, George, Morris
 1913 Bell, Benjamin, Rock Island
 1913 Bell, William J., Chicago
 1912 Bell, M. L., Chicago
 1914 Bell, Hayden N., Chicago
 1911 Bell, Ira J., Springfield
 1910 Beltier, Henry C., Chicago
 1915 Bennett, Walter H., Quincy
 1904 Benjamin, R. M., Bloomington
 1912 Berger, Henry A., Chicago
 1907 Bergland, A. E., Galva
 1908 Berkson, Maurice, Chicago
 1911 Bern, Edward A., Chicago
 1914 Bernard, Adolph F., Springfield
 1912 Bernstein, Benjamin H., Chicago
 1911 Bernreuter, Louis, Nashville
 1883 Berry, Orville F., Carthage
 1905 Bestel, Lucius W., Chicago
 1909 Beye, William, Chicago
 1915 Bigelow, Harry A., Chicago
 1904 Billings, Charles L., Chicago
 1915 Billingsley, H. M., Rushville
 1898 Bingswanger, Augustus, Chicago
 1916 Birkett, Clyde R., Peoria, Ill.
 1910 Bishop, James F., Chicago
 1911 Blither, William A., Chicago
 1915 Black, E. E., Pekin
 1909 Black, Jesse Jr., Pekin
 1910 Blake, Freeman K., Chicago
 1914 Blake, Guy M., Chicago
 1910 Blee, John W., Sandwich
 1908 Blocki, Gale, Chicago
 1904 Bloomington, John A., Chicago
 1908 Blumenthal, Isadore S., Chicago
 1910 Bobb, Dwight S., Chicago
 1908 Boddinhouse, R. W., Chicago
 1896 Boggs, Franklin H., Urbana
 1904 Bolen, John L., Chicago
 1910 Bollinger, A. C., Waterloo
 1902 Booth, Fenton W., Washington, D. C.
 1902 Borders, M. W., Chicago
 1904 Bosworth, John F., El Paso
 1903 Boughan, Andrew B., Chicago
 1911 Boyd, Thomas, Mound City
 1896 Boyden, William C., Chicago
 1911 Boyer, Harry B., Champaign
 1912 Boylan, Peter Richard, Chicago
 1911 Boyle, Edward, Chicago
 1910 Boyle, Lawrence P., Chicago
 1907 Boys, W. H., Streator
 1914 Bracken, Wm. K., Bloomington
 1896 Bradley, L. M., Mound City
 1912 Bradley, Thomas E. D., Chicago
 1896 Bradley, Ralph R., Chicago
 1890 Bradwell, Thomas, Chicago
 1908 Brannan, George E., Chicago
 1914 Bratton, Luther B., Kankakee
 1910 Bray, James A., Joliet
 1911 Brecher, Oscar W., Chicago
 1911 Breding, Ben N., Chicago
 1909 Breese, Sidney S., Springfield.
 1913 Brendecke, Walter A., Chicago
 1913 Brennan, Martin A., Bloomington
 1909 Brentano, Theodore, Chicago
 1916 Brewer, Harry F., Chicago
 1912 Brickwood, Blain J., Chicago
 1911 Brinkman, George A., Chicago Heights
 1911 Brockhouse, Edward P., Jacksonville
 1915 Brockschmidt, Alfred J., Quincy
 1911 Brothers, Elmer D., Chicago
 1916 Brown, Claude, Princeton, Ill.
 1891 Brown, Edward O., Chicago
 1908 Brown, C. LeRoy, Chicago
 1900 Brown, Frederick A., Chicago
 1915 Brown, Herman H., Quincy
 1896 Brown, James Edgar, Chicago
 1906 Brown, John A., Chicago
 1896 Brown, J. B., Monmouth
 1886 Brown, John J., Vandalia
 1884 Brown, Stuart, Springfield
 1907 Brown, George, Sycamore
 1913 Brown, Gileon, Alton
 1912 Brown, Stewart Reed, Chicago
 1897 Brown, Taylor E., Chicago
 1908 Bruggemeyer, Mancha, Chicago
 1912 Bruhlman, Otto C., Chicago
 1908 Bryan, William E., Chicago
 1912 Bryant, John M., Chicago

- 1904 Buck, Charles M., Bloomington
 1907 Buckingham, George T., Chicago
 1915 Buckley, Thomas M., Chicago
 1906 Buell, Charles C., Chicago
 1892 Bulkley, Almon W., Chicago
 1914 Bullington, J. T., Hillsboro
 1904 Bull, Follett W., Chicago
 1914 Bullington, John J., Taylorville
 1908 Bunch, Thaddeus O., Chicago
 1907 Bundy, John J., Centralia
 1911 Buntain, C. M. Clay, Kankakee
 1904 Buchard, John C., Chicago
 1912 Burdette, John W., Chicago
 1913 Burke, Thomas F., Chicago
 1908 Burke, Edmund, Springfield
 1908 Burke, Edmund W., Chicago
 1912 Burkhalter, Robert P., Chicago
 1892 Burley, Clarence A., Chicago
 1896 Burnham, Hugh L., Chicago
 1914 Burns, Frank J., Kankakee
 1912 Burns, Randall W., Chicago
 1911 Burns, William Foster, Chicago
 1912 Burras, Charles H., Chicago
 1907 Burrell, Louis H., Freeport
 1914 Burres, Joseph R., Chicago
 1881 Burroughs, B. R., Edwardsville
 1903 Burroughs, George D., Edwardsville
 1911 Burroughs, William G., Edwardsville
 1908 Burry, George, Chicago
 1905 Burry, William, Chicago
 1909 Burton, Charles S., Chicago
 1909 Burton, George W., Peoria
 1901 Burton, Charles H., Edwardsville
 1909 Burton, Robert A., Chicago
 1908 Burton, F. W., Carlinville
 1910 Busby, Leonard A., Chicago
 1910 Busch, Francis X., Chicago
 1911 Busch, Louis A., Champaign
 1915 Butcher, W. G., Lewiston
 1898 Butler, Rush C., Chicago
 1913 Butters, Albert E., Ottawa
 1911 Butler, William N., Cairo
 1912 Butz, Otto C., Chicago
 1901 Bynum, James L., Chicago
 1908 Cain, Frank R., Chicago
 1908 Cahn, Bertram J., Chicago
 1913 Cairns, David G., Ottawa
 1897 Caldwell, Andrew S., Carbondale
 1908 Calhoun, H. Clay, Chicago
 1897 Callahan, Ethelbert, Robinson
 1896 Cameron, John M., Chicago
 1910 Cameron, Ossian, Chicago
 1915 Campbell, F. J., Galena
 1915 Campbell, Herbert J., Chicago
 1911 Campbell, Bruce A., E. St. Louis
 1915 Campbell, John G., Chicago
 1910 Campbell, Robert W., Chicago
 1908 Campbell, H. Erskine, Chicago
 1915 Cannon, Thomas H., Chicago
 1879 Capen, Charles L., Bloomington
 1914 Capesius, Wm., Chicago
 1908 Carnahan, C. C., Chicago
 1907 Carlin, Nellie, Chicago
 1911 Carnes, Duane J., Sycamore
 1911 Carpenter, Fred E., Rockford
 1908 Carr, Robert E., Ottawa
 1915 Carrott, Mathew-Finlay, Quincy
 1912 Carson, William Sherman, Chicago
 1912 Carter, Allan J., Chicago
 1896 Carter, Orrin, Chicago
 1910 Carton, Alfred T., Chicago
 1907 Cartwright, Forest S., Chicago
 1894 Cartwright, James H., Oregon
 1905 Case, Charles Center Jr., Chicago
 1897 Case, Theodore G., Chicago
 1912 Case, William W., Chicago
 1912 Cassels, Edwin H., Chicago
 1911 Castle, Howard P., Chicago
 1898 Castle, Percy V., Chicago
 1908 Castle, T. H., Abingdon
 1903 Caswell, C. L., Jr., Chicago
 1903 Caverly, John R., Chicago
 1910 Cavette, Scott O., Chicago
 1897 Caylor, Worth E., Chicago
 1896 Cella, Angelo S., New York City
 1911 Cermak, Jerome J., Chicago
 1904 Chase, Henry T. Jr., Chicago
 1894 Chancellor, Justus, Chicago
 1911 Chandler, Henry P., Chicago
 1897 Chandler, William B., Washington
 1897 Chapman, Clarence B., Ottawa
 1909 Chapman, Theodore, Chicago
 1908 Charles, Albert N., Chicago
 1906 Cheadle, Charles B., Joliet
 1912 Chilcoat, Allen B., Chicago
 1911 Childs, Frank Hall, Chicago
 1910 Childs, Robert W., Chicago
 1908 Chindblom, Carl R., Chicago
 1898 Chipperfield, Burnett M., Canton
 1902 Chipperfield, C. E., Canton
 1915 Chones, Wm., Chicago
 1907 Choisser, M. V., Harrisburg
 1911 Chritten, George A., Chicago
 1912 Churan, Charles A., Chicago
 1899 Church, William E., Chicago

- 1905 Church, William T., Aledo
 1916 Churchill, R. W., Grays Lake, Ill.
 1898 Chytraus, Axel, Chicago
 1911 Clapper, Sanford S., Moweaqua
 1914 Clarity, A. J., Freeport
 1915 Clark, Charles V., Chicago
 1909 Clark, George L., Urbana
 1908 Clark, Charles D., Chicago
 1907 Clark, Elam L., Waukegan
 1914 Clark, Francis H., Chicago
 1911 Clark, James F., Rantoul
 1915 Clark, Roger H., Ottawa
 1908 Clark, William O'Dell, Chicago
 1902 Cleland, McKenzie, Chicago
 1905 Clendenin, James W., Monmouth
 1896 Cleveland, C. W., Chicago
 1910 Cliffe, A. C., Sycamore
 1914 Clifford, Eugene, Chicago
 1910 Clifford, R. W., Chicago
 1914 Clithero, Delbert A., Chicago
 1912 Cloud, M. H., Paxton
 1906 Coburn, John J., Chicago
 1911 Cochran, John R., Chicago
 1912 Coghlan, Henry D., Chicago
 1910 Coggeshall, F. A., Champaign
 1916 Collins, B. B., Chicago
 1879 Collins, Lorin C., Santa Fe, N. M.
 1908 Colson, Harry G., Chicago
 1911 Comerford, Frank, Chicago
 1911 Condee, L. D., Chicago
 1905 Condon, James G., Chicago
 1909 Conder, C. L., Pekin
 1907 Cone, William S., Charleston
 1902 Conkling, Clinton L., Springfield
 1910 Corley, D. C., Decatur
 1909 Connell, J. A., Chicago
 1909 Connelly, Bernard D., Rock Island
 1914 Conney, Joseph M., Chicago
 1908 Converse, Henry A., Springfield
 1914 Cook, Harry G., Ottawa
 1914 Cook, Homer, Waukegan
 1907 Cook, Horace Wright, Chicago
 1907 Cook, Wells M., Chicago
 1905 Cook, George A., Aledo
 1911 Cook, Robert T., Marlon
 1914 Cook, Walter Wheeler, Chicago
 1908 Cooney, Richard J., Chicago
 1907 Cooney, W. B., Pekin
 1911 Coonley, Henry E., Chicago
 1897 Cooper, William Fenimore, Chicago
 1912 Cooper, Joseph R. W., Chicago
 1916 Cornwell, Willet H., Chicago
 1912 Costigan, George P., Chicago
 1910 Cottrell, William N., Chicago
 1907 Coulter, John H., Chicago
 1909 Cowan, David J., Peoria
 1910 Cowen, Israel J., Chicago
 1908 Cowing, George J., Joliet
 1908 Crafts, Clayton Edward, Chicago
 1904 Craig, Bryan Y., Chicago
 1907 Craig, C. C., Galesburg
 1908 Craig, L. H., Chicago
 1909 Crane, Joseph V., Chicago
 1881 Crea, Hugh, Decatur
 1909 Creekmur, John W., Chicago
 1907 Creel, Thomas Z., Macomb
 1910 Cressy, Morton S., Chicago
 1901 Crews, Ralph, Chicago
 1901 Crisler, A. E., Chester
 1911 Crossland, Charles, Bowen
 1912 Crossley, Frederick B., Chicago
 1908 Crow, George A., East St. Louis
 1911 Crowell, Solon W., Oregon
 1914 Cullen, Charles S., Ottawa
 1902 Culver, Alvin H., Chicago
 1907 Culver, Morton T., Chicago
 1912 Cummins, Joseph, Chicago
 1911 Cunningham, G. W., Pekin
 1910 Curran, Daniel J., Macomb
 1910 Curran, John M., Chicago
 1897 Curran, William R., Pekin
 1914 Curths, Hugh E., Rock Island
 1905 Currler, Albert Dean, Chicago
 1912 Cushing, Royal B., Chicago
 1896 Cutting, Charles S., Chicago
 1914 Dady, Ralph J., Waukegan
 1908 D'Ancona, Edward N., Chicago
 1912 Danks, George I., Edgewood
 1912 Darnell, C. A., Plano
 1896 Darrow, Clarence S., Chicago
 1913 Daugherty, Harry A., Chicago
 1896 Daugherty, M. J., Galesburg
 1897 David, Joseph B., Chicago
 1915 Davidson, John L., Chicago
 1904 Davis, Brode B., Chicago
 1907 Davis, James E., Galesburg
 1909 Davis, James Ewing, Chicago
 1916 Davies, Morgan L., Chicago
 1902 Davison, B. M., Springfield
 1907 Dawes, Chester M., Chicago
 1891 Dawson, George E., Chicago
 1911 Dawson, Thomas J., Chicago
 1914 Day, Stephen A., Chicago
 1911 Decker, Edward H., Urbana
 1914 Deck, Jesse L., Decatur
 1908 Deering, Thomas G., Chicago
 1891 Defrees, Joseph H., Chicago
 1911 DeGrazia, John, Chicago

- 1911 Dempsey, Thomas E., Springfield
 1909 Dempsey, Ralph, Pekin
 1897 Denceen, Charles S., Chicago
 1910 Dennison, E. E., Marion
 1904 Dent, Louis L., Chicago
 1879 Dent, Thomas, Chicago
 1908 Devine, Miles J., Chicago
 1911 Dewey, William S., Cairo
 1908 DeWolf, William C., Belvidere
 1914 DeYoung, Frederic R., Chicago
 1909 Diamond, Jacob, Chicago
 1892 Dibell, Dorrance, Joliet
 1910 Dick, Homer T., Chicago
 1912 Dicker, Edward A., Chicago
 1910 Dickinson, John R., Chicago
 1916 Dickinson, J. M., Chicago
 1911 Dierssen, George E., Chicago
 1910 Dietz, Cyrus E., Moline
 1912 Dietz, G. O., Moline
 1911 Dillon, H. C., Springfield
 1907 Dillon, M. J., Galena
 1916 Dinsmoor, Jarvis, Sterling, Ill.
 1912 Dittus, Jacob E., Chicago
 1912 Diver, Clarence W., Waukegan
 1915 Dixon, George C., Dixon
 1907 Dixon, George William, Chicago
 1907 Dixon, Henry S., Dixon
 1911 Dixon, Simeon W., Chicago
 1905 Dixon, William Warren, Chicago
 1910 Dobyns, Fletcher, Chicago
 1908 Dobbins, Oliver B., Champaign
 1912 Dolan, Harry P., Chicago
 1911 Dolan, W. J., Champaign
 1914 Dolan, Michael D., Chicago
 1904 Dolph, Fred A., Chicago
 1898 Donnelly, Charles H., Woodstock
 1911 Donnelly, E. E., Bloomington
 1906 Donovan, T. F., Joliet
 1914 Donovan, Rupert D., Chicago
 1911 Doocy, Edward, Pittsfield
 1899 Douglass, George L., Chicago
 1912 Dove, F. R., Shelbyville
 1914 Dowdall, John A., DeKalb
 1912 Dow, Harry A., Chicago
 1902 Dow, Lorenzo E., Chicago
 1914 Dowell, E. E., Pana
 1905 Doyle, Leo J., Chicago
 1903 Doyle, William A., Chicago
 1913 Doyle, W. J., Oak Park, Ill.
 1902 Drennan, James L., Taylorville
 1882 Drennan, John G., Chicago
 1908 Dresser, Jasper M., Chicago
 1901 Duffy, Frederick, Lake Bluff
 1903 Duncombe, Herbert, Chicago
 1914 Dugan, Andrew J., Carlinville
 1899 Duncan, W. W., Marion
 1912 Dunne, Edward F. Jr., Chicago
 1895 Dunn, F. K., Charleston
 1911 Dunn, Robert W., Chicago
 1911 Dupee, Eugene H., Chicago
 1904 Dupuy, George Alexander, Chicago
 1911 Durand, Arthur F., Chicago
 1911 Duzan, Bert S., Oregon
 1877 Dwight, Samuel L., Centralia
 1909 Dwyer, James, Danville
 1901 Dyas, Joseph E., Paris
 1909 Dyas, Richard S., Paris
 1912 Dyer, E. B., Saybrook
 1911 Dyer, Wayne H., Kankakee
 1908 Dynes, O. W., Chicago
 1910 Dyrenforth, Arthur, Chicago
 1911 Eagleton, John C., Robinson
 1912 Eames, Joseph P., Chicago
 1913 Earley, Robert G., Geneva
 1892 Early, Albert D., Rockford
 1916 Early, John, Chicago
 1912 Early, Joseph P., Chicago
 1806 Early, William P., Edwardsville
 1912 Eaton, Charles Scribner, Chicago
 1908 Eaton, Marquis, Chicago
 1897 Eastman, Albert N., Chicago
 1892 Eastman, Sidney Corning, Chicago
 1909 Eckert, L. M., Princeton
 1904 Eckhart, Percy B., Chicago
 1908 Eddy, Alfred D., Chicago
 1897 Eddy, Arthur J., Chicago
 1911 Edelman, Leon, Chicago
 1911 Edle, A. C., Monticello
 1912 Edwards, Claire C., Waukegan
 1911 Edwards, William O., Pinckneyville
 1914 Egan, Robert S., Elgin
 1908 Eldredge, Edgar, Ottawa
 1911 Eldridge, Edwin R., Los Angeles, Cal.
 1915 Ellingson, Girard A., Chicago
 1915 Ellis, John W., Chicago
 1908 Elliff, John T., Pekin
 1908 Elliott, John M., Peoria
 1901 Elsdon, James G., Chicago
 1907 Elting, Phillip E., Macomb
 1899 Elting, Victor, Chicago
 1906 Elwood, William L., Peoria
 1911 Emerson, William J., Oregon
 1884 Emmons, Law E., Quincy
 1915 Emmons, L. E. Jr., Quincy
 1908 Emerich, Wm. H. Pauling, Paris, France

- 1898 Emrich, Myer S., Chicago
 1914 English, Geo. W., Washington, D. C.
 1908 Engllish, Lee F., Chicago
 1911 Ennis, James I., Chicago
 1914 Enochs, Delbert R., Champaign
 1902 Epler, Carl E., Quincy
 1898 Erb, J., Chicago
 1912 Erland, Henry H., Chicago
 1910 Esterline, Blackburn, Washington, D. C.
 1910 Ettelson, Samuel A., Chicago
 1897 Evans, Lynden, Chicago
 1908 Evans, John T., Chicago
 1894 Evans, Winslow, Peoria
 1905 Everett, Edward W., Chicago
 1911 Ewarts, Peter, Chicago
 1911 Fairfield, Frank M., Chicago
 1910 Falsler, John, Sycamore
 1912 Fake, Frederick Lewis, Chicago
 1915 Falder, George A., Macomb
 1910 Falk, Lester L., Chicago
 1881 Farmer, William M., Vandalia
 1899 Farwell, John C., Chicago
 1908 Fassett, Eugene G., Chicago
 1908 Faulkner, Charles J. Jr., Chicago
 1913 Feirich, Charles E., Carbondale
 1912 Fekete, Thomas L. Jr., E. St. Louis
 1899 Felsenthal, Eli B., Chicago
 1913 Felsenthal, Edward G., Chicago
 1892 Ferguson, Elbert C., Chicago
 1911 Ferguson, Charles W., Rockford
 1914 Ferrell, Hosea V., Marion
 1907 Ffield, E. P., Monmouth
 1909 Fifer Ernest R., Chicago
 1907 Firke, Charles W., Mansfield
 1909 Fisk, R. W., Ridge Farm
 1907 Fisher, George P., Chicago
 1913 Fisher, Robert E., Chicago
 1910 Fischer, Gustave F., Chicago
 1914 Fisher, Harry M., Chicago
 1911 Fitch, Joseph H., Chicago
 1913 Fitch, Joel C., Albion
 1908 Fithian, John B., Joliet
 1907 Fitzgerald, Arthur M., Springfield
 1910 Fitzgerald, John R., Decatur
 1900 Fitzhenry, Louis, Bloomington
 1907 Flack, Charles W., Macomb
 1910 Flannery, Daniel F., Chicago
 1912 Flanniger, J. L., E. St. Louis
 1912 Flannigan, Robert, H., E. St. Louis
 1913 Fleming, Joseph B., Chicago
 1896 Fletcher, William Meade, Sperryville, Virginia
 1914 Fletcher, R. V., Chicago
 1913 Fling, John W., Wyoming
 1905 Floan, John P., New York City
 1908 Foell, Charles M., Chicago
 1906 Fogle, John L., Chicago
 1896 Foley, Stephen A., Lincoln
 1898 Follansbee, George A., Chicago
 1900 Follansbee, Mitchell D., Chicago
 1908 Polonie, Robert J., Chicago
 1911 Foltz, I. W., Chicago
 1908 Foote, Roger L., Chicago
 1914 Fordham, Albert C., Chicago
 1910 Foreman, Milton J., Chicago
 1914 Fornhoff, Frank, Mt. Carmel
 1914 Fornhoff, J. H., Pana
 1897 Forrest, William S., Chicago
 1910 Forstall, James Jackson, Chicago
 1911 Fort, Arthur C., Minonk
 1896 Forest, Arthur H., Rockford
 1908 Foss, Martin H., Chicago
 1916 Foster, Geo. K., Bloomington
 1896 Foster, Stephen A., Chicago
 1892 Foster, William Elmore, Chicago
 1913 Fowler, William Fletcher, Aurora
 1908 Fowler, Richmond R., Marion
 1912 Frank, Herman, Chicago
 1908 Frank, Robert J., Chicago
 1907 Frank, Walter C., Galesburg
 1914 Franklin, Dean, Macomb
 1907 Franklin, W. J., Macomb
 1910 Freeman, Henry W., Chicago
 1908 Freund, Ernest, Chicago
 1916 Friedlander, Samuel, Chicago
 1911 Friedman, Herbert J., Chicago
 1912 Friedman, William, Chicago
 1908 Friedmeyer, John G., Springfield
 1909 Frings, H. C., Pekin
 1902 Frost, E. Allan, Chicago
 1898 Fry, George C., Chicago
 1910 Fry, Sheridan E., Chicago
 1910 Fuhr, Albert Burr, Macomb
 1894 Fuller, Henry C., Peoria
 1909 Fuller, Irwin L., Peoria
 1897 Fullerton, William D., Ottawa
 1910 Fulton, William J., Sycamore
 1909 Funk, Antoinette, Chicago
 1910 Funk, F. C., Bluffs
 1908 Fyffe, Colin C. H., Chicago
 1901 Gale, George Candee, Galesburg
 1900 Gallagher, M. F., Chicago
 1910 Gallery, Daniel V., Chicago
 1911 Gallimore, John L., Carterville
 1916 Galvin, James F., Aurora, Ill.

- 1899 Gann, David B., Chicago
 1910 Gardner, C. P., Mendota
 1903 Garnett, Eugene H., Chicago
 1915 Garner, J. F., Quincy
 1912 Garnsey, John H., Joliet
 1910 Garrett, Bruce H., Rockford
 1913 Garrett, A. B., Springfield, Ill.
 1892 Gary, Elbert H., New York City
 1903 Gascoigne, James B., Chicago
 1904 Gash, A. D., Chicago
 1899 Gates, Albert R., Chicago
 1910 Gavin, John F., Chicago
 1912 Gavin, Richard I., Chicago
 1911 Gee, S. J., Lawrenceville
 1906 Geer, Ira J., Chicago
 1911 Geers, Lester M., Edwardsville
 1912 Gehr, S. W., Chicago
 1903 Gemmill, William N., Chicago
 1886 Gibbons, John, Chicago
 1910 Gibbons, Ira C., Princeton
 1896 Gilbert, J. Thornton, Chicago
 1911 Gilbert, Miles Frederick, Cairo
 1911 Gilbert, William B., Cairo
 1908 Gillan, John H., Watseka
 1916 Gillespie, Geo. B., Springfield
 1911 Gillespie, Thomas E., E. St. Louis
 1913 Gillhams, F. J., Edwardsville
 1911 Girten, M. F., Chicago
 1910 Glad, Edward A., Chicago
 1911 Glenn, Otis F., Murphysboro
 1909 Godman, Elwood G., Chicago
 1911 Goodyear, A. F., Watseka
 1907 Gordon, James W., Oquawka
 1910 Gordley, W. T., Virginia
 1903 Goodwin, Clarence N., Chicago
 1898 Goodwin, John S., Chicago
 1911 Gorham, Sidney S., Chicago
 1910 Gorman, George E., Chicago
 1908 Goss, Ferdinand, Chicago
 1915 Govert, Geo. W., Quincy
 1915 Govert, Wm. H., Quincy
 1911 Gower, Eben B., Kankakee
 1911 Graham, Hugh J., Springfield
 1913 Graham, James J., Springfield
 1898 Graham, James M., Springfield
 1914 Graham, William J., Aledo
 1907 Graham, Willis F., Monmouth
 1898 Graham, James M., Springfield
 1904 Granger, Alexis L., Kankakee
 1908 Grant, Walter J., Danville
 1910 Graves, Albert H., Chicago
 1902 Graves, Emery C., Geneseo
 1914 Graves, W. C., Pontiac
 1910 Grawolg, Garrison, Chicago
 1908 Graydon, Thomas J., Chicago
 1908 Greely, Lewis M., Chicago
 1899 Green, Alvah S., Galesburg
 1879 Green, E. B., Mt. Carmel
 1908 Greene, J. Kent, Chicago
 1904 Green, Henry I., Urbana
 1910 Green, Edward J., Chicago
 1909 Green, Frederick, Urbana
 1908 Greenacre, Isaiah T., Chicago
 1896 Greenfield, Charles W., Chicago
 1909 Gregg, D. H., Wenona
 1885 Gregory, S. S., Chicago
 1910 Gregory, Fred L., Jacksonville
 1898 Gresham, Otto, Chicago
 1911 Gridley, Ernest C., Belvidere
 1892 Gridley, Martin M., Chicago
 1899 Grier, R. J., Monmouth
 1905 Griffen, Alonzo M., Chicago
 1891 Griggs, Clarence, Ottawa
 1909 Griggs, E. M., Streator
 1898 Gross, Alfred H., Chicago
 1915 Groves, S. S., Quincy
 1915 Grote, Paul F., Pittsfield
 1910 Gualana, Alberto N., Chicago
 1908 Guerlin, Mark E., Chicago
 1911 Guerlin, Henry M., Chicago
 1908 Guernsey, Guy, Chicago
 1911 Guillems, John R., Chicago
 1909 Gullett, James Wilson, Springfield
 1911 Gulick, Joseph P., Champaign
 1908 Gurley, W. W., Chicago
 1892 Hacker, N. W., New York City
 1911 Hackett, Leroy, Chicago
 1911 Hadley, W. E., Edwardsville
 1909 Haft, Charles M., Chicago
 1911 Hainline, Andrew L., Macomb
 1913 Hainline, Gilbert S., Macomb
 1903 Hagan, Henry M., Chicago
 1911 Hale, William G., Urbana
 1909 Hales, Earl C., Chicago
 1908 Hale, William B., Chicago
 1911 Halbert, William W., Belleville
 1911 Hall, Arthur R., Danville
 1909 Hall, H. R., Springfield
 1914 Hall, James Parker, Chicago
 1903 Hall, Ross C., Chicago
 1907 Hallam, S. S., Monmouth
 1898 Hamill, Charles H., Chicago
 1911 Hamill, Fred B., Champaign
 1887 Hamill, James M., Belleville
 1892 Hamilton, Isaac Miller, Chicago
 1910 Hamilton, Charles E., Carbondale
 1909 Hamilton, E. Bentley, Peoria
 1913 Hamill, Charles P., Belleville

- 1912 Hamlin, John E., E. St. Louis
 1914 Hanchett, Francis G., Plano
 1901 Hand, Fred H., Cambridge
 1912 Handy, James S., Chicago
 1879 Hanecy, Elbridge, Chicago
 1907 Hanley, John H., Monmouth
 1898 Harding, Charles F., Chicago
 1891 Harker, Oliver A., Champaign
 1910 Harkin, Daniel V., Chicago
 1898 Harlan, John Maynard, Chicago
 1911 Harper, Samuel A., Chicago
 1909 Harper, Francis A., Chicago
 1898 Harpham, Edwin L., Chicago
 1911 Harrah, R. C., Effingham
 1896 Harris, Charles S., Galesburg
 1909 Harris, John F., Chicago
 1908 Harris, Paul P., Chicago
 1908 Harris, Thomas M., Lincoln
 1903 Harrold, James P., Chicago
 1911 Hart, Edgar R., Chicago
 1911 Hart, Louis E., Chicago
 1911 Hart, W. H., Benton
 1915 Hartman, Harleigh H., Chicago
 1908 Hartray, William C., Chicago
 1907 Hatch, F. L., Springfield
 1914 Hauberg, John H., Rock Island
 1896 Hauze, William R., Chicago
 1902 Havard, Charles Henry, Chicago
 1915 Hawkins, Kenneth B., Chicago
 1911 Hawxburst, Ralph R., Chicago
 1912 Hawbaker, Elin J., Monticello
 1914 Hay, M. L., Toulon
 1898 Hay, Logan, Springfield
 1913 Hayden, Merritt W., E. St. Louis
 1908 Hayes, Howard W., Chicago
 1911 Hayes, John B., Rochelle
 1905 Haynie, William Duff, Chicago
 1910 Healy, Edward B., Chicago
 1898 Healy, John J., Chicago
 1909 Healy, Thomas J., Chicago
 1910 Heard, Oscar E., Freeport
 1892 Hebard, Frederic S., Chicago
 1909 Hebel, D. A., Aledo
 1912 Heckler, Charles E., Chicago
 1891 Heckman, Wallace, Chicago
 1911 Heinfeldt, Curt H. G., Belleville
 1912 Helander, William E., Chicago
 1890 Helmer, Frank A., Chicago
 1913 Hemphill, Victor, Carlinville
 1910 Hempsted, Harry G., St. Charles
 1907 Hendryx, C. D., Galesburg
 1904 Henning, Robert, Fairbury
 1916 Henry, Lewis, Chicago
 1891 Herbert, John M., Murphysboro
 1911 Herr, H. L., Rockford
 1916 Hergt, Roscoe, Peoria
 1909 Herrick, Walter D., Chicago
 1908 Herrick, Lott R., Farmer City
 1908 Herrington, Benjamin F., Yorkville
 1913 Hershey, H. B., Taylorville
 1910 Hess, Franklin, Chicago
 1898 Hess, George W., Chicago
 1911 Hester, A. M., Colfax
 1912 Heydecker, Edward J., Waukegan
 1912 Heyl, Clarence W., Peoria
 1908 Heyman, Alexander H., Chicago
 1910 Hicks, H. S., Rockford
 1903 Hicks, James, Monticello
 1910 Hickman, G. A., Benton
 1911 Hickman, Robert E., Benton
 1879 Higbee, Harry, Pittsfield
 1903 High, Shirley T., Chicago
 1914 Hill, Frank C., Chicago
 1905 Hill, John W., Chicago
 1913 Hill, L. V., Hillsboro
 1908 Hillis, Frank N., Chicago
 1907 Hills, Edward R., Chicago
 1904 Hills, George P., Ottawa
 1910 Hillscotter, J. E., Edwardsville
 1914 Hinton, E. W., Chicago
 1908 Hinebaugh, W. H., Ottawa
 1898 Hirtzel, Cora B., Chicago
 1908 Hitch, Marcus, Chicago
 1911 Hitt, Rector C., Ottawa
 1909 Hoag, Parker H., Chicago
 1914 Hobbie, W. R., Kankakee
 1896 Hoff, Alonzo, Springfield
 1909 Hogan, Dan, Danville
 1905 Hogan, John E., Taylorville
 1912 Hogan, John J., Decatur
 1913 Holder, R. D. W., Belleville
 1891 Holdom, Jesse, Chicago
 1910 Holden, Walter S., Chicago
 1910 Holland, John E., Chicago
 1910 Holly, W. H., Chicago
 1913 Hollenbeck, William T., Marshall
 1907 Hollerich, C. N., Spring Valley
 1909 Holmes, Ralph B., Danville
 1908 Holmes, W. S., Effingham
 1912 Hopkins, Albert L., Chicago
 1913 Hooper, Frank L., Watseka
 1908 Hopkins, Jacob H., Chicago
 1912 Hopkins, John L., Chicago
 1898 Horner, Henry Clay, Chester
 1910 Horner, Henry, Chicago
 1911 Horton, Walter S., Chicago
 1911 Houlhan, Francis J., Chicago
 1909 Housum, Hugh W., Decatur
 1912 Howe, Beverly W., Chicago

- 1913 Howe, Thomas F., Chicago
 1910 Hoyne, Maclay, Chicago
 1896 Hoyne, Thomas M., Chicago
 1915 Hoyt, Frank W., Chicago
 1901 Hubbard, S. A., Quincy
 1907 Huey, Clinton M., Monmouth
 1904 Huff, Thomas D., Chicago
 1914 Huff, Wm. R., Sullivan
 1912 Huggins, Earl C., Kinmundy
 1908 Hughes, Charles, Chicago
 1910 Hulbert, Alfred Roy, Chicago
 1896 Hull, Horace, Ottawa
 1902 Humburg, A. P., Chicago
 1912 Hume, Frank L., Chicago
 1908 Hummeland, Andrew, Chicago
 1910 Hummer, John S., Chicago
 1911 Humphrey, Robert, Lincoln
 1911 Humphrey, Wallace G., Keokuk,
 Iowa
 1905 Humphrey, Wirt E., Chicago
 1907 Hunt, R. C., Galesburg
 1909 Hunter, Jay T., Peoria
 1907 Hunter, Joseph A., Chicago
 1897 Hunter, William R., Kankakee
 1908 Huston, George W., Morris
 1904 Hussagh, Rudolph D., Chicago
 1902 Hyde, James W., Chicago
 1910 Hyer, Stanton A., Rockford
 1911 Hyzer, Edward M., Chicago
 1910 Ickes, Harold L., Chicago
 1899 Iles, Robert S., Chicago
 1915 Imes, Charles I., Macomb
 1908 Innes, Alexander J., Chicago
 1911 Ivngerich, C. R., Champaign
 1908 Ingram, John J., Rock Island
 1915 Inghram, John T., Quincy
 1912 Irving, S. C., Chicago
 1910 Irwin, C. F., Elgin
 1909 Irwin, Edward F., Springfield
 1911 Irwin, Harry D., Chicago
 1911 Irwin, Samuel P., Bloomington
 1894 Irwin, William T., Peoria
 1912 Isley, Albert E., Peoria
 1909 Jacks, Robert F., Peoria
 1910 Jack, Thomas B., Decatur
 1909 Jacobs, Lawrence B., Chicago
 1910 Jacobs, Walter H., Chicago
 1902 Jamieson, Stillman B., Chicago
 1906 Janieseski, Frank H., Chicago
 1914 Jarecki, Edmund K., Chicago
 1911 Jarrett, D. I., Chicago
 1911 Jarrett, Thomas L., Springfield
 1908 Jarvis, William B., Chicago
 1910 Jefferson, Carl A., Chicago
 1898 Jenks, A. B., Chicago
 1912 Jennings, Everett, Chicago
 1911 Jennings, John Eden, Sullivan
 1897 Jett, Thomas M., Hillsboro
 1909 Jetzinger, David, Chicago
 1908 Jewell, W. R. Jr., Danville
 1907 Jochem, George J., Peoria
 1914 Johnson, Carey R., Princeton
 1911 Johnson, Clyde P., Carthage
 1914 Johnson, Lawrence C., Galva
 1913 Johnson, H. McClure, Chicago
 1896 Johnson, William H., Chicago
 1916 Johnson, William, Rockford
 1904 Johnston, Frank Jr., Chicago
 1914 Johnston, James M., Moline
 1911 Johnstone, F. B., Chicago
 1906 Jones, Alfred H., Robinson
 1903 Jones, Charles J., Chicago
 1905 Jones, Clarence A., Springfield
 1884 Jones, Frank H., Chicago
 1912 Jones, Guy R., Tuscola
 1914 Jones, Henry P., Delavan
 1910 Jones, Horace N., Batavia
 1911 Jones, H. Leonard, Champaign
 1892 Jones, N. M., Chicago
 1908 Jones, Nicholas R., Chicago
 1911 Jones, Norman L., Carrollton
 1912 Jones, W. C., Streator
 1904 Jones, W. Clyde, Chicago
 1907 Joselyn, David R., Woodstock
 1912 Joselyn, Frank W., Elgin
 1908 Joyce, Maurice V., E. St. Louis
 1913 Juul, Nellis, Chicago
 1907 Kagy, Levy M., Salem
 1912 Kahn, Julius M., Chicago
 1908 Kales, Albert M., Chicago
 1910 Kannally, M. V., Chicago
 1910 Kaplan, Nathan D., Chicago
 1910 Karch, Charles A., E. St. Louis
 1901 Karcher, George H., Denver,
 Colo.
 1914 Kaslet, Thomas A., Monticello
 1912 Kasper, Frederick J., Chicago
 1909 Kavanagh, Marcus A., Chicago
 1915 Kay, A. H., Camden
 1915 Keedy, Edwin R., Chicago
 1911 Keefe, David E., E. St. Louis
 1910 Keehn, Roy D., Chicago
 1903 Keeley, William E., Chicago
 1910 Kehoe, John E., Chicago
 1913 Keller, Kent E., Ava
 1910 Kelly, George Thomas, Chicago
 1908 Kelly, James J., Chicago
 1910 Kelly, John J. M., Chicago
 1896 Kenna, E. D., New York City
 1914 Kennedy, Thomas, Minonk

- 1907 Kenworthy, J. T., Rock Island
 1914 Kerr, H. H., Paxton
 1911 Kerr, Robert J., Chicago
 1904 Kerr, Samuel, Chicago
 1908 Kersten, George, Chicago
 1911 Kerz, Paul, Galena
 1913 Kidder, Royce A., Sterling
 1913 King, Charles H., Waukegan
 1910 King, Christopher, Chicago
 1908 King, Samuel B., Chicago
 1899 Kinsall, D. M., Shawneetown
 1909 Kirk, Walter Herman, Peoria
 1903 Kirkland, Lloyd G., Chicago
 1902 Klein, John P., Chicago
 1905 Kline, Julius R., Chicago
 1910 Klein, William M., Chicago
 1896 Knapp, Kemper K., Chicago
 1906 Knecht, Samuel E., Chicago
 1914 Knight, B. A., Rockford
 1913 Knotts, Edward C., Carlinville
 1913 Knowles, W. E., E. St. Louis
 1913 Knox, Samuel F., Chicago
 1912 Knudson, Charles S., Chicago
 1914 Koenig, Ruby, Chicago
 1903 Koepke, Charles A., Chicago
 1908 Kolb, P. J., Mt. Carmel
 1912 Kompel, Morris, Chicago
 1911 Kraft, F. William, Chicago
 1905 Kramer, Edward C., E. St. Louis
 1911 Kramer, Rudolph J., E. St. Louis
 1892 Kraus, Adolph, Chicago
 1912 Kreamer, Ernest L., Chicago
 1908 Kreite, Frank L., Chicago
 1910 Kriete, George H., Chicago
 1898 Kremer, Charles E., Chicago
 1908 Kropf, Oscar A., Chicago
 1911 Kuebler, G. J., Chicago
 1896 Kurz, Adolph, Chicago
 1910 LaBuy, Joseph S., Chicago
 1911 Lackey, George W., Lawrenceville
 1902 Lambert, James K., Chicago
 1908 Lambert, M. E., Shawneetown
 1912 Lamborn, Charles W., Chicago
 1915 Lancaster, W. Emery, Quincy
 1904 Landon, Benson, Chicago
 1913 Landee, Frank J., Moline
 1915 Lang, Joseph I., Richmond
 1908 Langworthy, Benj. F., Chicago
 1910 Lansden, David S., Cairo
 1882 Lansden, John M., Cairo
 1900 Lardin, Albert T., Ottawa
 1911 Larkin, Robert E., Streator
 1905 Lasker, Isidore, Chicago
 1905 Latham, Carl R., Chicago
 1916 Lathan, J. H., Decatur
 1910 Lathrop, Edward P., Rockford
 1910 Lathrop, Robert, Rockford
 1908 Lauher, James K., Paris
 1896 Lawrence, George A., Galesburg
 1915 Lawyer, John C., Macomb
 1911 Layman, Jasper, Benton
 1907 Leach, Thomas A., Chicago
 1911 LeBosky, Jacob, Chicago
 1914 Ledbetter, John Q. A., Elizabethtown
 1896 Lee, Blewett, Chicago
 1905 Lee, Edward T., Chicago
 1901 Lee, John H. S., Chicago
 1897 Leffingwell, Frank P., Chicago
 1914 Legg, Chester Arthur, Chicago
 1883 Leman, Henry W., Chicago
 1909 Lennon, Maurice F., Joliet
 1908 Levinson, Harry C., Chicago
 1900 Levinson, Isaac J., Peoria
 1909 Levy, David R., Chicago
 1911 Levy, Harry H., Chicago
 1913 Levy, Isaac K., Murphysboro
 1911 Levy, Sylvanus George, Chicago
 1906 Lewis, James Hamilton, Chicago
 1910 Lewis, A. W., Harrisburg
 1916 Lewis, H. D., Monmouth
 1907 Lewis, John H. Jr., Galesburg
 1907 Lewis, Warren E., Springfield
 1915 Lewman, John H., Danville
 1914 Lighthall, Henry S., Chicago
 1883 Lillard, John T., Bloomington
 1908 Lincoln, Walter K., Chicago
 1914 Lindley, Frank, Paxton
 1897 Lindley, Frank, Danville
 1907 Lindley, Walter C., Danville
 1912 Lingle, James, Jonesboro
 1914 Linn, Almon H., Cambridge
 1910 Linthicum, C. C., Chicago
 1908 Lipson, Isaac B., Chicago
 1908 Litzinger, Edward R., Chicago
 1912 Lloyd, Herbert R., Chicago
 1910 Locke, Richard F., Rockford
 1907 Loesch, Charles F., Chicago
 1895 Loesch, Frank J., Chicago
 1906 Long, Jesse R., Chicago
 1908 Long, Theodore K., Chicago
 1911 Longenecker, R. R., Chicago
 1892 Lord, Frank E., Chicago
 1911 Loucks, Charles O., Chicago
 1914 Love, Charles A., Aurora
 1908 Love, Isaac A., Danville
 1894 Lovett, Robert H., Peoria
 1896 Lowden, Frank O., Oregon
 1914 Lowe, Ansby L., Robinson

- 1908 Lowe, F. MacDonald, Chicago
 1911 Lowes, George N. B., Chicago
 1911 Lowenthal, Fred., Chicago
 1911 Lowy, Charles F., Chicago
 1916 Luby, Oswald D., Chicago
 1911 Lucey, P. J., Springfield
 1903 Lunsford, Todd, Chicago
 1911 Lurie, Harry J., Chicago
 1912 Luster, Max, Chicago
 1911 Lynch, John, Olney
 1915 Lyons, T. E., Champaign
 1906 MacChesney, Nathan William, Chicago
 1893 Mack, Julian W., Chicago
 1913 Mack, Louis W., Chicago
 1911 Mackay, Henry, Mt. Carroll
 1912 Macomic, Chester A., Chicago
 1907 MacGuffin, Paul, Libertyville
 1913 Mabie, Abram E., Chicago
 1915 Mabin, Geo. G., Danville
 1913 MacKibbin, Stuart, South Bend, Ind.
 1908 MacLeish, John E., Chicago
 1897 Magee, Henry W., Chicago
 1909 Magill, Lawrence M., Moline
 1910 Maher, Edward, Chicago
 1910 Maher, Michael E., Chicago
 1911 Mahoney, Charles L., Chicago
 1914 Mangan, Edward M., Aurora
 1909 Maley, J. E., Galesburg
 1906 Manierre, George W., Chicago
 1908 Maina, Frederick D., Chicago
 1913 Mann, Donald H., Chicago
 1897 Mann, James R., Wash., D. C.
 1878 Mann, Joseph B., Danville
 1909 Mann, Oliver D., Danville
 1901 Manny, Walter I., Mt. Sterling
 1902 Mansfield, Charles F., Monticello
 1902 Mansfield, Henry, Peoria
 1894 Maple, Joseph W., Peoria
 1908 Marsh, J. V. E., Alton
 1911 Marsh, R. S., Harrisburg
 1909 Marshall, C. B., Rock Island
 1914 Marshall, Thomas L., Chicago
 1909 Marshall, Thomas, Chicago
 1912 Marso, Michael, Chicago
 1896 Marston, Thomas B., Chicago
 1903 Martin, A. W., Chicago
 1914 Martin, Geo. E., Mound City
 1914 Martin, Hugh T., Chicago
 1914 Martin, J. K., Sullivan
 1915 Martindale, W. P., Quincy
 1897 Martyn, Chauncey W., Chicago
 1904 Marx, Frederick Z., Chicago
 1892 Mason, Charles T., Chicago
 1903 Mason, George A., Chicago
 1912 Mason, George H., Chicago
 1908 Mason, Roswell B., Chicago
 1908 Mason, William E., Chicago
 1896 Masters, Edgar L., Chicago
 1911 Mastin, George C., Chicago
 1911 Matchett, David F., Chicago
 1878 Matheny, James H., Springfield
 1901 Mathias, Lee D., Chicago
 1911 Matthews, Ben H., Pittsfield
 1908 Matthews, Francis E., Chicago
 1903 Matz, Rudolph, Chicago
 1896 Mayer, Elias, Chicago
 1916 Mayer, E. B., Chicago
 1896 Mayer, Isaac H., Chicago
 1896 Mayer, Levy, Chicago
 1911 Maxwell, Stoy J., Robinson
 1910 Maxwell, William W., Chicago
 1879 Mayo, Henry, Ottawa
 1893 McBride, J. C., Taylorville
 1913 McBride, W. B., Taylorville
 1909 McCabe, E. D., Peoria
 1915 McCann, Franklin M., Quincy
 1915 McCarl, Lyman, Quincy
 1911 McClellan, James S., Chicago
 1891 McClelland, Thomas S., Chicago
 1911 McClory, Frederick S., Chicago
 1913 McClure, Milton, Beardstown
 1898 McCordick, Alfred, E., Chicago
 1908 McCormick, Robert H. Jr., Chicago
 1891 McCulloch, Catharine W., Chicago
 1891 McCulloch, Frank H., Chicago
 1912 McCullom, Harvey D., Louisville
 1910 McCullough, W. G., Decatur
 1914 McDavid, John R., Hillsboro
 1913 McDavid, Horace W., Decatur
 1911 McDonald, Charles A., Chicago
 1901 McDougall, Duncan, Ottawa
 1911 McElvaine, Robert J., Murphysboro
 1907 McEntry, William, Rock Island
 1915 McEwen, Harry W., De Kalb
 1902 McEwen, Willard M., Chicago
 1914 McGaughey, John E., Lawrenceville
 1913 McGinn, Frank P., Chicago
 1911 McGlynn, Dan, E. St. Louis
 1913 McGilvray, D. H., Chicago
 1899 McGoorty, J. P., Chicago
 1908 McGorney, Arthur W., Chicago
 1909 McGrath, Shelton F., Peoria
 1909 McHenry, William C., Chicago
 1910 McIduff, Robert Speer, Pontiac

- 1902 McIlvaine, Alan, Chicago
 1911 McIlvaine, William B., Chicago
 1910 McInerney, Joseph A., Chicago
 1896 McIntyre, George V., Chicago
 1910 McKenna, Phillip J., Chicago
 1915 McKennan, Frank B., Quincy
 1910 McKeown, John A., Chicago
 1907 McKenzle, William D., Chicago
 1912 McKinley, Archibald A., Chicago
 1914 McKinley, William, Chicago
 1910 McKinney, Hayes, Chicago
 1909 McLaughlin, Bert E., Galesburg
 1907 McLaughlin, Charles A., Monmouth
 1907 McMahon, Charles C., Fulton
 1908 McMath, James C., Chicago
 1909 McMillen, Clark A., Decatur
 1889 McMurdy, Robert, Chicago
 1909 McNabb, John M., McNabb
 1910 McNaughton, Coll, Joliet
 1915 McNeeley, T. W., Petersburg
 1913 McNett, Willard C., Chicago
 1913 McNett, Charles I., Aurora
 1911 McQuiston, M. L., Paxton
 1909 McRoberts, W. G., Peoria
 1896 McShane, James C., Chicago
 1897 McSurely, William H., Chicago
 1905 McWilliams, Paul, Litchfield
 1899 Meagher, James F., Chicago
 1896 Meanor, Anson E., Chicago
 1897 Mecartney, Harry S., Chicago
 1906 Meek, Marcellus W., Chicago
 1909 Meeks, James A., Danville
 1910 Meese, William A., Moline
 1915 Meneley, Harry W., Chicago
 1910 Mergenthelm, Morton A., Chicago
 1896 Merrick, George P., Chicago
 1910 Merrill, J. H., Kankakee
 1913 Merrills, Fred B., Belleville
 1912 Messick, J. B. Sr., E. St. Louis
 1912 Messick, J. B. Jr., E. St. Louis
 1913 Metzgar, J. D., Moline
 1914 Meusel, Oscar M., Chicago
 1899 Meyer, Abraham, Chicago
 1893 Meyer, Carl, Chicago
 1912 Meyer, George H., Chicago
 1911 Mies, Frank P., Chicago
 1910 Michal, Charles J., Chicago
 1883 Milchrist, Thomas E., Chicago
 1909 Miles, Charles V., Peoria
 1909 Milkewitch, Isaac, Chicago
 1911 Miller, Andrew J., Urbana
 1885 Miller, Amos, Hillsboro
 1904 Miller, Amos C., Chicago
 1902 Miller, Arthur F., Clinton
 1910 Miller, Benjamin V., Libertyville
 1911 Miller, Clyde, E. St. Louis
 1914 Miller, C. S., Mound City
 1909 Miller, Frank P., Peoria
 1897 Miller, George W., Chicago
 1908 Miller, Gilbert L., Canton
 1911 Miller, Harry M., Champaign
 1897 Miller, Jay D., Chicago
 1886 Miller, John S., Chicago
 1911 Miller, Luther L., Chicago
 1909 Miller, Phillip L., Decatur
 1912 Miller, Robert Wyness, Chicago
 1908 Mills, Allen G., Chicago
 1913 Mills, L. A., Decatur
 1914 Mills, Richard D., Ottawa
 1912 Mills, Walter H., Decatur
 1913 Mindak, Peter P., Chicago
 1906 Mitchell, Charles H., Chicago
 1914 Mitchell, E. B., Clinton
 1913 Mitchell, George R., Chicago
 1908 Moak, William B., Chicago
 1910 Moffett, Willard, Chicago
 1910 Montgomery, H. H., Carrollton
 1896 Montgomery, John R., Chicago
 1915 Montgomery, S. B., Quincy
 1908 Moody, W. C., Chicago
 1896 Moore, N. G., Chicago
 1910 Moore, W. R., Moline
 1877 Moore, Stephen R., Kankakee
 1910 Moran, H. C., Canton
 1903 More, Clair E., Chicago
 1908 More, R. Wilson, Chicago
 1911 Morgan, George N., Chicago
 1908 Morgan, George M., Springfield
 1907 Moreland, Armor, Galesburg
 1907 Moreland, John R., Galesburg
 1898 Morrill, Donald L., Chicago
 1905 Morris, Henry C., Chicago
 1902 Morris, Joseph O., Chicago
 1907 Morrison, C. B., Chicago
 1896 Morse, Charles F., Chicago
 1910 Morse, Robert C., Kewanee
 1898 Moses, Joseph W., Chicago
 1906 Moss, William R., Chicago
 1908 Moulton, Frank I., Chicago
 1910 Mudge, D. H., Edwardsville
 1908 Muhlike, Joseph H., Chicago
 1908 Mullen, Timothy F., Chicago
 1904 Mulligan, George F., Chicago
 1913 Mullikin, William H., Chicago
 1904 Munger, Edwin A., Chicago
 1904 Munroe, Charles A., Chicago
 1915 Munroe, F. W., Quincy
 1915 Murdock, Max, Streator

- 1907 Murray, A. G., Springfield
 1891 Murray, George W., Springfield
 1914 Murray, Hugh V., Carlyle
 1908 Murray, James S., Chicago
 1910 Murray, P. F., Chicago
 1896 Musgrave, Harrison, Chicago
 1901 Myers, C. D., Bloomington
 1915 Naylor, Samuel, Carthage
 1878 Neal, Henry A., Charleston
 1911 Neely, Rufus, Marion
 1910 Nelger, J. J., Virginia
 1911 Nelson, G. E., Petersburg
 1910 Nelson, Harry C., Chicago
 1913 Neuffer, Paul A., Chicago
 1902 Newberger, William S., Chicago
 1915 Newhall, John K., Aurora
 1897 Newcomb, George Eddy, Chicago
 1905 Newey, Frederick J., Chicago
 1897 Newman, Jacob, Chicago
 1903 Newton, Charles E. M., Chicago
 1902 Niblack, William C., Chicago
 1894 Niehaus, John M., Peoria
 1913 Niemeyer, Grover C., Chicago
 1907 Noleman, Frank F., Centralia
 1899 Noonan, Edward T., Chicago
 1914 Norcross, Frederic F., Chicago
 1911 Normoyle, D. J., Chicago
 1912 North, Harry B., Rockford
 1915 Northrup, John E., Chicago
 1879 Northrup, H. R., Havana
 1914 Norton, Thomas J., Chicago
 1879 Nortrup, Scott S., Havana
 1911 Obermeyer, Charles B., Chicago
 1901 O'Brien, Arthur A., Kansas City, Mo.
 1912 O'Brien, Quin, Chicago
 1911 O'Connell, Andrew J., Ottawa
 1908 O'Connor, Charles J., Chicago
 1906 O'Connor, J. James, Chicago
 1911 O'Connor, John, Chicago
 1911 O'Connor, John M., Chicago
 1910 O'Connell Jeremiah B., Chicago
 1911 Octigan, Thomas P., Chicago
 1901 O'Donnell, James L., Joliet
 1891 O'Donnell, Joseph A., Chicago
 1911 O'Donnell, James V., Chicago
 1877 Ofeld, C. K., Chicago
 1915 Ogden, Charles, Galesburg
 1911 Ogle, Albert B., Belleville
 1909 Oglevee, Everett W., Bloomington
 1906 O'Hair, Frank T., Paris
 1907 O'Hara, Ira J., Macomb
 1910 O'Hara, Benjamin, Chicago
 1912 O'Hare, Thomas J., Chicago
 1906 O'Harra, Appollos W., Carthage
 1903 O'Keefe, P. J., Chicago
 1912 Oldfield, A. A. Chicago
 1892 Olin, Benjamin, Joliet
 1911 Olmstead, L. B., Samonauk
 1913 Olmstead, Robert W., Rock Island
 1908 Olson, Albert O., Chicago
 1897 Olson, Harry, Chicago
 1915 Olson, Olaf A., Chicago
 1911 Olson, Jonas W., Galva
 1908 O'Meara, C. S., Chicago
 1908 O'Neill, Hugh, Chicago
 1915 Orr, Pence B., Joliet
 1910 Orr, Louis T., Chicago
 1910 Orvis, Justin K., Chicago
 1916 Osgood, Roy C., Chicago
 1910 Otto, George C., Chicago
 1903 Owens, John E., Chicago
 1914 Oxford, John C., Elizabethtown
 1913 Packard, George, Chicago
 1896 Paden, Joseph E., Chicago
 1912 Page, Cecil, N. Y. City, N. Y.
 1894 Page, George T., Peoria
 1908 Page, Hubert E., Chicago
 1912 Pain, Charles E., Chicago
 1908 Painter, Lloyd, Streator
 1906 Palmer, Robertson, Chicago
 1912 Paltzer, Charles W., Chicago
 1911 Pam, Hugo, Chicago
 1897 Pam, Max, Chicago
 1915 Pape, Theodore B., Quincy
 1896 Parker, Francis W., Chicago
 1903 Parker, Lewis W., Chicago
 1909 Parkin, Harry A., Chicago
 1896 Parkinson, Robert H., Chicago
 1915 Patterson, John C., Chicago
 1913 Pattison, Douglass, Freeport
 1913 Patterson, Perry S., Chicago
 1878 Patton, James W., Springfield
 1916 Patton, G. W., Pontiac
 1902 Patton, William L., Springfield
 1890 Payne, John Barton, Chicago
 1903 Peaks, George H., Chicago
 1911 Pearson, H. P., Chicago
 1897 Pearson, Haynie R., Chicago
 1909 Pease, Warren, Chicago
 1897 Peck, George R., Chicago
 1910 Peck, Ralph L., Chicago
 1915 Peden, Thomas J., Chicago
 1911 Pebbles, Henry R., Chicago
 1910 Peebles, Jesse, Carlinville
 1904 Peek, Burton F., Moline
 1905 Pendarvis, Robert E., Chicago
 1911 Pendleton, Carleton H., Chicago

- 1909 Penick, Frank J., Quincy
 1910 Pennywitt, Don R., Chicago
 1908 Penwell, Fred B., Danville
 1911 Perlmann, Israel B., Chicago
 1909 Perrin, Frank, Belleville
 1911 Persons, Perry L., Waukegan
 1912 Peters, G. W., Chicago
 1915 Peter, Elmer C., Quincy
 1916 Petersen, Samuel, Chicago
 1891 Peterson, James A., Chicago
 1909 Petit, Adolor J., Chicago
 1904 Pettibone, Robert F., Chicago
 1915 Petri, Thomas R., Quincy
 1903 Pfau, A. J., Chicago
 1903 Phillips, W. S., Ridgeway
 1901 Pickett, Charles C., Chicago
 1911 Pierce, James H., Chicago
 1911 Pillow, George W., Marion
 1904 Pinckney, Merritt W., Chicago
 1912 Pinderski, Louis, Chicago
 1905 Piotrowski, N. L., Chicago
 1912 Pinea, George S., Chicago
 1915 Pisha, Joseph C., Chicago
 1894 Pingrey, Darlus H., Highland Park
 1908 Plain, Frank G., Aurora
 1914 Plantz, Truman, Warsaw
 1907 Platt, Henry Russell, Chicago
 1912 Plum, William R., Lombard
 1909 Plummer, Edna Covert, Mineral Hill, Nevada
 1911 Pollack, Sidney S., Chicago
 1902 Pomeroy, Frederick A., Saratoga, N. Y.
 1907 Pomeroy, H. Sterling, Kewanee
 1912 Pope, John E., Waukegan
 1898 Poppenhusen, Conrad H., Chicago
 1915 Porter, Gilbert E., Chicago
 1896 Post, Phillip S. Jr., Chicago
 1904 Potter, Frank H. T., Chicago
 1914 Potter, Fred W., Henry
 1912 Potter, Ralph F., Chicago
 1911 Potts, Cuthbert, Chicago
 1907 Potts, Joshua R. H., Chicago
 1901 Potts, William A., Pekin
 1914 Poulton, John J., Chicago
 1908 Pound, Roscoe, Cambridge, Mass.
 1912 Powell, Charles L., Chicago
 1912 Power, James D., Chicago
 1911 Powers, J. W., Pekin
 1908 Powers, Millard R., Chicago
 1906 Pratt, G. E. M., Chicago
 1881 Prentice, Hiram B., Chicago
 1892 Prentiss, William, Chicago
 1905 Prescott, William, Chicago
 1911 Prettyman, William S., Pekin
 1903 Price, Henry W., Chicago
 1913 Price, Lin William, Chicago
 1912 Prihs, John W., Pana
 1910 Prindville, Thomas W., Chicago
 1910 Prindville, John K., Chicago
 1906 Pringle, William J., Chicago
 1906 Pringle, Frederick W., Chicago
 1879 Provine, William M., Taylorville
 1905 Provine, Walter M., Taylorville
 1885 Prussing, Eugene E., Chicago
 1892 Purcell, William A., Chicago
 1898 Puterbaugh, Leslie D., Peoria
 1910 Putnam, Ralph C., Aurora
 1909 Quinn, Frank J., Peoria
 1910 Quitman, Walter, Wilmette
 1914 Raber, Edwin J., Chicago
 1911 Radley, R. H., Peoria
 1915 Rafferty, Joseph P., Chicago
 1896 Raftree, M. L., Chicago
 1901 Rahn, J. M., Pekin
 1913 Rallsback, F. H., E. Moline
 1901 Rainey, Henry T., Carrollton
 1914 Ramsay, F. D., Morrison
 1911 Ramsey, George P., Springfield
 1912 Rankin, Chase R., Chicago
 1912 Rankin, John M., Chicago
 1911 Rankin, Ode L., Chicago
 1910 Rathbone, Henry R., Chicago
 1908 Rausch, J. W., Morris
 1911 Rawlins, Edward W., Chicago
 1885 Rayburn, Calvin, Bloomington
 1891 Raymond, C. W., Watseka
 1911 Rea, John J., Urbana
 1912 Read, Frederick P., Chicago
 1907 Reardon, Cornelius, Morris
 1907 Reardon, William J., Pekin
 1909 Rearick, George S., Danville
 1902 Rector, Edward, Chicago
 1906 Redfield, Robert, Chicago
 1915 Redmond, Andrew J., Chicago
 1914 Reed, Clark S., Chicago
 1914 Reed, Carl S., Monticello
 1910 Reed, Herbert H., San Antonio, Texas
 1892 Reed, Frank F., Chicago
 1911 Reed, John P., Chicago
 1911 Reed, William L., Chicago
 1908 Reeve, John J., Jacksonville
 1912 Reichmann, Alexander F., Chicago
 1914 Reisch, Carl M., Springfield
 1910 Remy, Victor A., Chicago
 1908 Rennick, James H., Toulon

- 1910 Rew, Robert, Rockford
 1912 Reynolds, Asa Q., Chicago
 1914 Reynolds, E. D., Rockford
 1909 Rhoads, Carey W., Chicago
 1912 Rhoads, Fred, Paris
 1908 Rhoads, George B., Shelbyville
 1904 Rice, Cyrus W., Chicago
 1907 Rice, Robert Clifford, Galesburg
 1911 Rich, A. R., Washington
 1914 Rich, Ernest A., Washington.
 1908 Richards, John T., Chicago
 1910 Richards, Robert W., Chicago
 1904 Richardson, J. A., Chicago
 1910 Richardson, John, Chicago
 1906 Richberg, Donald R., Chicago
 1887 Richberg, John C., Chicago
 1911 Richmond, E. D., Lacon
 1898 Richolson, Benjamin F., Chicago
 1910 Rickcords F. Stanley, Chicago
 1910 Rickelman, Harry J., Effingham
 1897 Rider, George C., Pekin
 1877 Riggs, James M., Winchester
 1904 Riley, Harrison B., Chicago
 1911 Riley, Walter B., Champaign
 1898 Ritchie, William, Chicago
 1909 Robbins, Henry S., Chicago
 1898 Roberts, Jesse E., Chicago
 1915 Robertson, Egbert, Chicago
 1914 Robillard, Amos H., Kankakee
 1911 Robinson, Edwards S., Springfield
 1916 Robinson, Max, Chicago
 1907 Robinson, R. D., Galesburg
 1907 Robinson, Rufus F., Oquawka
 1910 Rockhold, F. A., Chicago
 1910 Roe, William, Farmington
 1887 Roedel, Carl, Shawneetown
 1910 Roedel, Charles K., Shawneetown
 1907 Rodenberg, A. D., Centuria
 1896 Rodgers, Edward S., Chicago
 1915 Rodgers, John L., Chicago
 1911 Rogan, William A., Chicago
 1912 Rogers, George T., Chicago
 1906 Rogers, Rowland T., Chicago
 1910 Rolf, A. A., Chicago
 1902 Rooney, John J., Chicago
 1903 Rooney, Thomas E., Chicago
 1916 Ropiequet, R. W., E. St. Louis
 1910 Rose, Albert M., Louisville
 1909 Rose, John A., Chicago
 1908 Rosenbaum, Menz I., Chicago
 1896 Rosenthal, James, Chicago
 1892 Rosenthal, Lessing, Chicago
 1896 Ross, David, Kallispell, Mont.
 1910 Ross, Walter W., Chicago
 1903 Rothmann, William, Chicago
 1904 Rothschild, Jacob, Chicago
 1913 Rothschild, Isaac S., Chicago
 1907 Rowe, Frederick A., Chicago
 1910 Rowland, R. S., Olney
 1916 Roy, Arthur R., Springfield
 1907 Rubens, Harry, Chicago
 1911 Rundell, Charles O., Chicago
 1914 Runyard, Eugene M., Waukegan
 1915 Rust, Wm. H. A., Chicago
 1907 Russell, R. L., Princeton
 1897 Ryan, Andrew J., Chicago
 1910 Ryan, Joseph D., Chicago
 1912 Ryan, Oscar B., Streator
 1911 Ryden, Otto G., Chicago
 1911 Ryder, N. L., Edwardsville
 1912 Ryer, Julian C., Chicago
 1910 Sabath, A. J., Chicago
 1908 Sabath, Joseph, Chicago
 1906 Safford, Henry B., Monmouth
 1906 Safford, William H., Chicago
 1896 Salisbury, F. L., Chicago
 1908 Sampson, W. Edgar, Springfield
 1913 Samuels, Benjamin, Chicago
 1908 Samuels, Benjamin John, Chicago
 1910 Sass, Frederick, Chicago
 1913 Sass, George, Chicago
 1910 Sauter, Lewis Edward, Chicago
 1911 Savage, Manford, Champaign
 1913 Sawyer, Carlos P., Chicago
 1906 Sawyer, Ward B., Chicago
 1896 Scanlan, Kickham, Chicago
 1914 Schaefer, Charles, Pekin
 1898 Schaefer, Martin W., Belleville
 1911 Schaefer, Peter P., Champaign
 1900 Schaffner, Arthur B., Chicago
 1915 Schlagenhauf, Phillip J., Quincy
 1915 Schlagenhauf, Wm., Quincy
 1910 Schlesinger, Elmer, Chicago
 1911 Schmiedskamp, H. E., Quincy
 1912 Schneider, R. L., Paxton
 1911 Schneider, Walter C., Kankakee
 1910 Schroll, Charles E., Decatur
 1912 Schofield, Henry, Chicago
 1902 Scholdfeld, W. B., Marshall
 1911 Schumacher, W. T., Champaign
 1912 Schwartz, Ulysses S., Chicago
 1915 Schwartz, Arthur L., Chicago
 1911 Schuwerk, William M., Evansville
 1907 Scofield, Charles J., Carthage
 1908 Scofield, T. J., Chicago
 1892 Scott, Frank H., Chicago
 1915 Scott, George A. H., Chicago

LIST OF MEMBERS.

- 1908 Smietanka, Julius, Chicago
 1904 Smith, Abner, Chicago
 1908 Smith, Ben M., Chicago
 1911 Smith, Blake C., Chicago
 1913 Smith, Clyde, Dixon
 1910 Smith, Charles Everett, Lincoln
 1914 Smith, Elmer A., Chicago
 1910 Smith, E. S., Springfield
 1910 Smith, Frank, C., E. St. Louis
 1910 Smith, Fred H., Rockford
 1912 Smith, Henry A., Oregon
 1911 Smith, Herman B., Morris
 1912 Smith, Jasper M., Chicago
 1907 Smith, June C., Centralia
 1913 Smith, Lowell B., Sycamore
 1907 Smith, W. T., Chicago
 1914 Smith, Thomas B. F., Carbon-
 dale
 1911 Smoot, Harry E., Chicago
 1908 Smyser, Nathan S., Chicago
 1916 Snapp, Dorrance D., Joliet
 1913 Snively, H. R., Marshall
 1909 Snell, Truman A., Carlville
 1901 Snow, David B., Ottawa
 1905 Snow, William C., Bassin, Wyo-
 ming
 1907 Sonnenschein, Edward, Chicago
 1908 Sonnenschein, Hugo, Chicago
 1910 Sonstebly, John T., Chicago
 1915 Spann, W. A., Vienna
 1910 Spencer, Charles C., Chicago
 1910 Spiller, Edward M., Marlon
 1910 Spiller, W. F., Benton
 1910 Spitzer, Sherman C., Chicago
 1914 Sprague, Wm. C., Chicago
 1913 Springstun, Charles E., Pana
 1911 Spurgin, William G., Urbana
 1913 Stafford, Elmore Hurst, Rock
 Island
 1909 Stafford, Charles B., Chicago
 1914 Stager, John M., Sterling
 1914 Stapleton, William J., Chicago
 1909 St. Cerney, James P., Pekin
 1885 Starr, Merritt, Chicago
 1908 Stead, W. H., Chicago
 1911 Stead, Walter J., Chicago
 1913 Steffen, Walter P., Chicago
 1898 Stein, Phillip, Chicago
 1911 Stein, Sidney, Chicago
 1909 Steik, John, Chicago
 1900 Stern, Henry L., Chicago
 1910 St. John, E. M., Rockford
 1907 Stephens, R. Allan, Danville
 1909 Stephens, Redmond D., Chicago
 1912 Sterrett, Malcolm B., Chicago
 1908 Stetson, William P., Benton
 1910 Stetson, Channing L., Chicago
 1911 Stetson, William H., Chicago
 1903 Seymour, E. M., Chicago
 1918 Seymour, R. V., Dwight
 1911 Seyster, J. C., Oregon
 1908 Shabad, Henry M., Chicago
 1897 Shaffner, B. M., Chicago
 1913 Shallberg, Gustavus A., Moline
 1908 Shannon, Angus Roy, Chicago
 1913 Shaver, Harry L., Chicago
 1905 Shaw, Ralph M., Chicago
 1903 Shaw, Warwick A., Chicago
 1910 Shay, Arthur H., Streator
 1910 Sheean, Henry D., Chicago
 1897 Sheean, James M., Chicago
 1916 Sheean, John A., Chicago
 1907 Sheean, David, Galena
 1908 Sheean, Thomas J., Galena
 1894 Sheen, Dan R., Peoria
 1914 Sheldon, Carl E., Sterling
 1908 Shepard, Frank L., Chicago
 1898 Shepard, Stuart G., Chicago
 1898 Sheridan, Thomas F., Chicago
 1901 Sheriff, Andrew R., Chicago
 1909 Sherlock, John J., Chicago
 1896 Sherman, Bernis W., Chicago
 1904 Sherman, Roger, Chicago
 1914 Shinnick, Edw. E., Chicago
 1913 Shorey, Clyde E., Chicago
 1898 Shortall, John L., Chicago
 1910 Shrimski, Israel, Chicago
 1905 Shumway, George, Galesburg
 1914 Shurtleff, Edward D., Marengo
 1903 Sidley, William P., Chicago
 1911 Silber, Clarence J., Chicago
 1906 Silber, Frederick D., Chicago
 1899 Silsbee, Fred B., Aurora
 1915 Simmons, Emile A., Pontiac
 1911 Simmons, Henry C., Virden
 1916 Simmons, Park E., Chicago
 1913 Simpson, Jesse L., Edwardsville
 1903 Sims, Edwin W., Chicago
 1912 Siqueland, Tryggve A., Chicago
 1912 Sivley, Clarence L., Memphis,
 Tenn.
 1913 Skinner, James G., Chicago
 1911 Slusser, Mazzini, Wheaton
 1903 Smejkal, Edward J., Chicago

- 1910 Steven, James A., Chicago
 1910 Stevens, George M. Jr., Chicago
 1885 Stevens, George M., Chicago
 1910 Stevens, William B., Chicago
 1914 Stevenson, Morton, J., Chicago
 1908 Stevenson, Ralph D., Chicago
 1908 Stewart, R. W., Chicago
 1916 Stewart, Wm. K., Monmouth
 1915 Stewart, Wm. Scott, Chicago
 1910 Stillwell, James, Chicago
 1912 Stitt, Thomas L., Chicago
 1908 Stone, Clyde E., Peoria
 1914 Stott, G. E., Genoa
 1910 Stratton, Abram B., Chicago
 1908 Straus, Simeon, Chicago
 1898 Strawn, Lester H., Springfield
 1903 Strawn, Silas H., Chicago
 1902 Streuber, Joseph P., Highland
 1913 Strohm, Harry L., Chicago
 1908 Stubblefield, Arnott, Chicago
 1909 Stuttle, Harry C., Litchfield
 1912 Sullivan, Denis E., Chicago
 1910 Sullivan, D. J., E. St. Louis
 1907 Sullivan, W. H. Jr., Galesburg
 1915 Sumner, B. O., Lawrenceville
 1895 Sutherland, Thomas J., Chicago
 1912 Swallow, H. A., Danville
 1910 Swanson, John A., Chicago
 1911 Sweeney, Edward J., Clinton
 1904 Swift, Edward C., Ottawa
 1907 Switzer, Theodore B., Macomb
 1915 Swope, H. M., Quincy
 1915 Symes, John J., Chicago
 1909 Taff, A. E., Canton
 1916 Taylor, Dudley, Chicago
 1903 Taylor, George H., Chicago
 1911 Taylor, G. F., Eppingham
 1894 Taylor, Howard S., Chicago
 1915 Taylor, Orville J. Jr., Chicago
 1908 Taylor, James E., Hennepin
 1878 Taylor, James M., Taylorville
 1906 Taylor, Lealie J., Taylorville
 1896 Taylor, Thomas Jr., Chicago
 1911 Taylor, William A., Chicago
 1908 Tecklenburg, F. J., Belleville
 1903 Temple, Charles, Hardin
 1913 Telleen, Leonard E., Cambridge
 1896 Tenney, Horace Kent, Chicago
 1910 Terry, C. W., Edwardsville
 1913 Terry, Charles C., Girard
 1912 Thomas, Frank, Toulon
 1898 Thomas, Morris St. Palais, Chicago
 1913 Thomason, Frank D., Chicago
 1913 Thomason, S. E., Chicago
 1903 Thompson, E. F., Chicago
 1907 Thompson, George M., Bement
 1910 Thomson, Charles M., Chicago
 1910 Thompson, B. R., Pontiac
 1896 Thompson, George W., Galesburg
 1913 Thompson, Floyd E., Rock Island
 1916 Thompson, M. W., Chicago
 1894 Thornton, Charles S., Chicago
 1916 Tichnor, Frank A., Rockford
 1910 Tinsman, H. E., Chicago
 1908 Tivnen, Bryan H., Mattoon
 1909 Todd, Hiram E., Peoria
 1912 Tohill, Noah M., Lawrenceville
 1892 Tolman, Edgar B., Chicago
 1911 Topliff, Samuel, Chicago
 1911 Torrance, H. E., Pontiac
 1902 Torrison, Oscar M., Chicago
 1887 Towle, H. S., Chicago
 1910 Trainor, Charles J., Chicago
 1910 Trainor, John C., Chicago
 1908 Trautmann, William E., E. St. Louis
 1912 Treacy, Phillip H., Chicago
 1901 Trimble, Cairo A., Princeton
 1909 Trimble, Winfred K., Princeton
 1908 Triska, Joseph F., Chicago
 1909 Troup, Charles, Danville
 1912 Trude, Daniel P., Chicago
 1912 Trude, Samuel H., Chicago
 1904 Trumbull, Donald S., Chicago
 1907 Turner, Chester M., Cambridge
 1912 Turner, Lucius D., Belleville
 1901 Tutbill, Richard S., Chicago
 1909 Tweed, John W., Sparta
 1916 Tyler, Burton A., Cambridge
 1909 Tyrrell, John F., Chicago
 1912 Uhler, Joseph R., Chicago
 1892 Underwood, George W., Chicago
 1903 Upton, E. L., Chicago
 1908 Urion, Alfred R., Chicago
 1905 Utt, W. H., Chicago
 1909 Vail, Robert P., Decatur
 1911 Vallette, Clair D., Chicago
 1878 Vandever, William, Taylorville
 1912 Vandever, W. M., E. St. Louis
 1911 VanKirk, Samuel A., Vienna
 1905 Vannatta, John E., Chicago
 1914 VanSant, Nicholas G., Sterling
 1913 VanShalk, Guy, Chicago
 1911 Veeder, Henry, Chicago
 1907 Velde, Franklin L., Pekin
 1908 Vent, Thomas G., Chicago
 1908 Vennema, John, Chicago
 1910 Vickers, Jay F., E. St. Louis
 1880 Vincent, William A., Chicago

- 1911 Vogle, Charles F., Chicago
 1896 Voigt, John F., Chicago
 1913 Von Reinsperg, Hans, Chicago
 1904 Vose, Frederick P., Chicago
 1903 Vroman, Charles E., Chicago
 1912 Wade, Edward T., Chicago
 1912 Wagner, Roland M., Quincy
 1902 Waggoner, Harry M., Macomb
 1915 Wakelee, Harry W., Chicago
 1910 Walker, Charles L., Rock Island
 1912 Walker, Clyde H., Champaign
 1908 Walker, Edwin K., Chicago
 1913 Walker, Emery S., Chicago
 1908 Walker, Francis W., Chicago
 1907 Walker, Ransom E., Chicago
 1877 Wall, George W., DuQuoin
 1909 Wall, John E., Quincy
 1899 Wall, William A., Mound City
 1913 Wallace, George T., Taylorville
 1913 Wallace, Henry L., Chicago
 1877 Wallace, E. A., Havana
 1916 Walsh, John W., Chicago
 1908 Walsh, Martin, Chicago
 1916 Waltz, Merle B., Chicago
 1914 Ward, Daniel J., Chicago
 1900 Ward, Henry C., Sterling
 1912 Ward, John A., Sterling
 1912 Warden, William H., Marlon
 1907 Warner, Clifford W., LaHarpe
 1892 Washburn, William D., Chicago
 1915 Warner, Henry, Dixon
 1907 Wassen, James T., Galesburg
 1904 Waterman, George W., Chicago
 1915 Waterman, Henry, Geneseo
 1908 Waters, John E., Chicago
 1907 Watson, Albert, Mt. Vernon
 1913 Watson, George B., Chicago
 1903 Watson, Marion, Arthur
 1913 Watson, James A., Elizabethtown
 1909 Watson, Robert L., Aledo
 1908 Wead, Samuel D., Peoria
 1909 Wean, Frank L., Chicago
 1908 Weart, Garrett V., Chicago
 1911 Weaver, J. B., Springfield
 1910 Weber, Harry P., Chicago
 1908 Webb, T. M., E. St. Louis
 1912 Weber, Joseph A., Chicago
 1910 Weber, W. R., E. St. Louis
 1896 Webster, Charles R., Chicago
 1912 Wegg, F. J., Chicago
 1909 Well, Joseph A., Peoria
 1908 Weissenbach, Joseph, Chicago
 1911 Welch, William S., Chicago
 1911 Wellman, B. J., Chicago
 1896 Welsh, J. D., Galesburg
 1907 Welsh, J. J., Galesburg
 1896 Welsh, E. K., Rockford
 1904 Welty, Sain, Bloomington
 1910 Wenban, A. C., Chicago
 1911 Wentworth, Daniel S., Chicago
 1911 Werno, Charles, Chicago
 1899 Wertheimer, Benjamin J., Chicago
 1894 West, Roy O., Chicago
 1914 Western, Irving M., Elgin
 1903 Wetten, Emil C., Chicago
 1896 Wheelock, William W., Chicago
 1915 Whipple, Merrick Ames, Chicago
 1914 White, Edward H., Chicago
 1912 White, Harold F., Chicago
 1910 Whitley, James T., Decatur
 1911 Whitley, M. S., Harrisburg
 1892 Whitman, Russell, Chicago
 1914 Whitmore, Geo. Rowe, Peoria
 1912 Whittemore, C. B., Marengo
 1910 Whitmore, C. Frederick, Texas
 1914 Whitmore, W. W., Bloomington
 1909 Whitnel, L. O., E. St. Louis
 1910 Whitney, Edward S., Chicago
 1908 Wich, Margaret C., Quincy
 1906 Wickett, Frederic H., Chicago
 1911 Wigmore, John H., Chicago
 1914 Wiley, Francis R., Decatur
 1913 Wilbur, George W., Chicago
 1912 Wilcox, Jesse, Chicago
 1907 Wiley, George S., Ottawa
 1896 Wilkerson, James H., Chicago
 1912 Wilkinson, Earl B., Chicago
 1905 Wilkin, Ralph Horace, Springfield
 1907 Wilkins, Frank J., Pekin
 1898 Willard, Monroe L., Chicago
 1915 Willhite, W. S., Mt. Carmel
 1905 Williams, Arista B., Chicago
 1913 Williams, H. Clay, Pittsfield
 1882 Williams, E. P., Galesburg
 1910 Williams, Ednyfed H., Chicago
 1901 Williams, Guy R., Havana
 1910 Williams, Harris F., Chicago
 1910 Williams, John C., Chicago
 1916 Williams, L. O., Clinton
 1910 Williams, W. E., Pittsfield
 1910 Williams, S. Laing, Chicago
 1911 Williams, Walter W., Benton
 1910 Williamson, Thomas, Edwardsville
 1911 Wilson, Royal Andrew, Chicago
 1910 Wilson, Francis S., Chicago
 1907 Wilson, George H., Quincy
 1914 Wilson, John D., Nokomis

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|---------------------------------------|--|
| 1899 Wilson, John P., Chicago | 1908 Wooley, Francis J., Chicago |
| 1913 Wilson, Joshua, Springfield | 1915 Woolsey, R. C., Galesburg |
| 1902 Wilson, Warren B., Chicago | 1910 Worcester, Theodore, Aurora |
| 1914 Wilson, Wm. G., Salem | 1912 Wormser, Leo F., Chicago |
| 1910 Wilson, William T., Jacksonville | 1907 Worthington, Thomas, Jackson- |
| 1914 Wiley, Silas M., Chicago | ville |
| 1892 Windes, Thomas G., Chicago | 1910 Wright, A. B., Chicago |
| 1911 Winkelman, William, Belleville | 1915 Wright, David L., Effingham |
| 1912 Winkler, Frank C., Oakland | 1909 Wright, W. W., Toulon |
| 1911 Wise, William G., Chicago | 1903 Wright, William B., Effingham |
| 1915 Wolfe, Fred G., Quincy | 1906 Wylie, Oscar H., Paxton |
| 1898 Wolf, Henry M., Chicago | 1912 Wyman, Vincent D., Chicago |
| 1914 Wolfersperger, A. A., Sterling | 1887 Yates, Richard, Springfield |
| 1912 Wolff, Oscar M., Chicago | 1914 Young, Fred R., Metropolis |
| 1911 Wombacher, G. F., Mascoutah | 1910 Young, George Warner, Joliet |
| 1915 Wood, C. H., Quincy | 1913 Young, Thomas J., Chicago |
| 1902 Wood, Cyrus J., Chicago | 1911 Zacharias, Michael C., Chicago |
| 1908 Wood, Elijah C., Chicago | 1906 Zane, John M., Chicago |
| 1912 Wood, Earl W., Hamilton | 1890 Zelsler, Sigmund, Chicago |
| 1912 Wood, Franklin N., Chicago | 1911 Zick, Frederick, Polo |
| 1910 Woods, Charles H., Carlinville | 1908 Zillman, Christian C. H., Chicago |
| 1915 Woods, Samuel, Quincy | 1913 Zimmerman, Edward A., Chicago |
| 1911 Woods, W. F., Champaign | 1911 Zipf, Oscar R., Freeport |
| 1912 Woodbury, J. C., Danville | 1908 Ziv, Louis, Chicago |
| 1911 Woodward, Charles E., Chicago | 1897 Zook, David L., Chicago |
| 1916 Wolfe, A. R., Chicago | |

MEMBERS OF SUPREME COURT: PERIOD IN COMMISSION.

Samuel H. Treat, 1841-1855.....	Springfield
Sidney Breese, 1841-1842; 1857-1858; 1861-1878.....	Carlyle
Pinkney H. Walker, 1858-1885.....	Rushville
T. Lyle Dickey, 1875-1885.....	Ottawa
John Scholfield, 1873-1893.....	Marshall
Joseph M. Bailey, 1888-1895.....	Freeport
Gustavus Koerner, 1845-1848.....	Belleville
Lyman Trumbull, 1848-1853.....	Chicago
Benjamin R. Sheldon, 1870-1888.....	Rockford
John M. Scott, 1870-1888.....	Bloomington
David J. Baker, 1878-1879; 1888-1897.....	Chicago
Jesse J. Phillips, 1893-1901.....	Hillsboro
Damon G. Tunnickliff, 1885-1885.....	Macomb
Anthony Thornton, 1870-1873.....	Shelbyville
John H. Mulkey, 1879-1888.....	Metropolis
James B. Ricks, 1901-1906.....	Taylorville
Jacob W. Wilkin, 1888-1907.....	Danville
Guy Charles Scott, 1903-1909.....	Aledo
Benjamin D. Magruder, 1885-1906.....	Chicago
Alfred M. Craig, 1873-1900.....	Galesburg
Carter, Joseph N., 1894-1903.....	Quincy
Vickers, Alonzo K.....	East St. Louis

Myra Bradwell	Chicago
Joseph E. Gary.....	Chicago
Murray F. Tuley.....	Chicago
Adolph Moses	Chicago
John B. Cassoday.....	Madison, Wis.
Edward Morse Shepard.....	New York
Wm. H. Seaman.....	Sheboygan, Wis.
Emlin McClain.....	Des Moines, Iowa
Charles E. Littlefield.....	Rockland, Me.
James Hagerman.....	St. Louis, Mo.

Proceedings
OF THE
Illinois State Bar Association
AT ITS
Fortieth Annual Meeting, May 31, June 1-2, 1916
at Chicago, Illinois

PROCEEDINGS OF JUDICIAL SECTION.

The meeting convened at the La Salle Hotel, Chicago, at two o'clock P. M., Chief Justice Farmer presiding.

JUDGE WM. H. MCSURELY: Gentlemen of the Judicial Section of the Illinois State Bar Association: It is my pleasing duty to give to you, on behalf of the local bench and bar, a word of welcome. That you are welcome, as one of your number suggested to me just now, you will doubtless take judicial notice.

As I contemplate the impending program which has been prepared for these meetings, I really confess to some sense of timidity at being responsible, in a certain formal way, for setting in motion the vast and complex machinery of this stupendous exhibition; or, to change the figure somewhat, I hesitate as, doubtless, he hesitated who first at Panama lifted the flood gates and threw together the world's two greatest oceans. However, my apprehension is more than neutralized by the great pride and pleasure I have in giving you a cordial welcome.

Judges have ceased to be a novelty in Chicago. The industrious census taker tells me that we have, I think, some twenty Circuit Court Judges, some sixteen Superior Court Judges,—that makes thirty-six; a County Judge and a Probate Judge, thirty-eight. Then added to this number we have thirty-one Municipal Court

Judges, and on top of this number four or five Federal Judges, and to top the lot, Mr. Justice Carter; we have the grand, stupendous aggregate of seventy-five judges, seventy-five walking exemplars of the administration of justice upon the streets of Chicago every day! Then our visiting judges, from out of town, who come to assist us add largely to this number, even though we should count each visiting judge as merely one.

However, it is not because of the novelty that we bid you welcome, it is a downright, genuine joy to fraternize with you. We are glad to see you, both in your official capacity and as individuals. We are pleased to consult with you in your official capacity upon the very great and serious problems which have to do with the administration of justice in this state, and of course it always gives us an exceeding joy to mingle with you as companions and as men. On behalf of the local bar we extend to you a very sincere and very earnest welcome.

It is my privilege also, not only to welcome you to Chicago, but to present to you the presiding officer of this meeting, the man to whom more than to any one else, perhaps, we are indebted for the meeting of this Judicial Section here to-day, the distinguished, esteemed and beloved justice of the Supreme Court, Mr. Justice Farmer. (Applause.)

JUSTICE FARMER: Gentlemen, I do not like always to sail under false colors. I can not accept credit that is not due me. I have aided what little I could the committee who had this meeting in charge, but Judge Heard and his committee, and Mr. Follansbee, have done the work principally. Some time ago Mr. Follansbee wrote me and said: "I have done a good deal of writing in your name, and I do not want you to repudiate it." I wrote him if the meeting was a success I would have no desire to repudiate it; if it was a failure perhaps I could not get out of it, so he could continue writing letters in my name.

I am glad to see as many of the state's judiciary present today as are here. So far as I know, this is the first attempt to have a meeting of all of the judges of the state, either with or without connection with the State Bar Association, and I think it will, if we take a proper interest in it, result in great good. The

judges are not only deeply interested in the correct and efficient administration of the law, but they are deeply interested in administering the law and discharging their duties in the office so that they will command public esteem and confidence. Because I think no greater calamity could happen than that the public should lose confidence in our courts. I think it never has, and it is not likely to do so, and yet I think we can, by conferring together, make suggestions, the carrying out of which will further tend to the efficient administration of justice through the courts, and necessarily bring with it a greater respect for the law and its administration.

I have no particular thing to suggest to you that we shall do. My only duty is to hold the watch while those of you who are on the program and others who desire to shall take part—and nobody has told me how long any one man is to talk, so I do not know how long I will hold the watch. Those who are responsible for me and for this meeting have not given me any instructions on that line. But I hope nobody will talk longer than he can find something to say and when he runs out of something to say that he will quit. Necessarily the speeches must be reasonably brief; we would like to have them to the point. As I said, I have no suggestions to make, I do not consider it my privilege, but I will say only this, I think you are all good judges, every one of you, but I do not think that wisdom will die with you,—I think we can, by exchanging views, devise measures by which the administration of justice will be improved.

I just want to call attention to one thing that has come to my mind. I do not know that anything can be done to remedy such a thing as this, that causes a great deal of criticism of courts in the administration of justice, of which we have an illustration going on in our state now, an attempt to get a jury in the trial of a criminal case that has been going on something over two weeks. I blame no one, I criticise no one, it is, perhaps, unavoidable. But as against that we have the example recently in New York of a murder case which was given great publicity, in which a jury was quickly obtained, the case was tried, the jury returned a verdict and it was all over. And we haven't got a jury yet. Now, if we

could devise some plan that would remedy these defects, which I must think not irremediable, it would be doing a great benefit to the public. I just make that suggestion as it came to my mind, and I want it understood I am not criticising anybody because of the long delay in getting juries. I have presided in the Circuit Court myself for nine years, and I never found so much trouble with the law as I did with men who did not want to serve on the jury, they were the worst element I had to contend with. At all events, I hope you will take an interest in this meeting and in the success of the organization, and that it will become an annual affair and productive of great good. (Applause.)

The first speaker on the program, on "Needed Legislation for County and Probate Courts" is Hon. Henry Horner, Judge of the Probate Court of Cook County. (Applause.)

JUDGE HENRY HORNER: Mr. Chief Justice Farmer, and Gentlemen:

I realize I must be very brief. On the program I notice fifty minutes is allotted to six County and Probate Judges to tell you all the needed legislation of those two courts. I figure six judges will have eight and one-third minutes apiece, and allowing about a third of a minute for the well deserved (?) applause which must follow each address, that cuts each judge down to about eight minutes.

I may not have opportunity in this limited time to discuss all those needed reforms in legislation which have come to my notice in the past two years, and I can do no more than suggest a few of them.

The first thing I have in mind to suggest is the subject of appeals from Probate and County Courts in probate matters. I have struggled on this subject with legislative bodies in the last two years, and tried to get other judges interested, all apparently with little success.

The Probate Court is a court that has as important a jurisdiction as any other *nisi prius* court in the state, and its judgments have about as much finality as those of a Justice of the Peace. Appeals from a Probate Court and from a County Court in probate matters go to the Circuit Court, there is had a trial *de novo*.

In all subject matters of jurisdiction in the County Court, other than probate matters, appeals go to the Appellate Court or the Supreme Court.

Appeals in proceedings for the sale of real estate to pay debts in courts having probate jurisdiction—either County or Probate Courts—go directly to the Appellate or Supreme Court. Under our present statutes a trial is had on its merits in the Probate or County Court in probate matters; six days, two months, three months or six months may be expended by the judge of that court in trying a cause. After the case is tried, either by a jury or by the judge, and judgment is entered, all the defeated party desiring to avoid the effect of the judgment or order, is required to do, is to appeal to the Circuit Court, file his bond and pay the nominal amount of appeal costs, and there is a trial *de novo* in the Circuit Court. Probate and County Courts in probate matters, exclusive of proceedings for sales of real estate, become in such cases merely moot courts. We had a bill to correct this manifest evil in the legislature last fall. Unfortunately, this measure did not have the full support of the Illinois State Bar Association. On the contrary, a bill was introduced by the Illinois State Bar Association, and supported by it, to amend the general practice in this State, which specifically provided, notwithstanding its claimed desire to improve the practice in the State of Illinois in common law courts, that appeals from Probate and County Courts in probate matters shall continue to be taken to the Circuit Court. If any man can find an excuse for this apparent indifference of the Bar Association, or for the present practice on appeals, he is welcome to state the reason why appeals should not proceed like appeals from other judgments of the County Courts in other matters—it is the same court, the same judge. The only result the present practice can produce is the clogging up of the calendars of the Circuit Court and the cultivation of an indifference on the part of the probate administrative officers and others for the orders and judgments of the County and Probate Courts in probate matters.

The second suggestion I have to make is this: In hearing of wills in the Probate Court the law limits the testimony to

PROCEEDINGS.

...witnesses except in cases of fraud, compulsion or improper conduct. But if the will is either denied or the will is probated and an appeal is taken to the Circuit Court, the Circuit Court of the will can bring in any evidence admissible in the Circuit Court to prove the execution of the will. In other words, on appeal from the Probate Court of the same subject matter, the same issues, there is an enlarged latitude for the admission of evidence. The law ought to be amended to allow the same proof to be taken in the Probate Court and the County Court hearing probate matters, that can be taken in the Circuit Court. There is no reason for that incongruity in the practice.

The third suggestion is the limitation of the administration act on the compensation of appraisers. The act was passed probably when many of you gentlemen were school boys, and it limits the payment of appraisers to two dollars a day. Frequently we have valuable stocks of merchandise which require appraisers having expert knowledge of the subject matter. It is difficult, if at all possible, to get experienced and qualified appraisers in this county who know sufficient about the property they are required to appraise to return an intelligent appraisement, to work for \$2.00 a day. What is the result? Appraisals in Cook County and in most of the counties of the State are, as a consequence, mere fictions. A lawyer who applies for letters of administration frequently selects three clerks in a law office, or three appraisers who will sign their names for two dollars a day, and the value so fixed in the appraisement is the basis of the administration of the personal property, the goods and chattels, in the Probate Court—it is mere fiction. My suggestion is that an amendment should be had giving the Probate Court the power to fix in each case, a reasonable compensation for appraisers.

My next suggestion directs your attention to Sections 81 and 82 of the Administration Act which provides for the issuance of citations.

The spirit of those sections was formerly very helpful in the administration of a decedent's estate and was intended to enable the administrator to apply for and obtain a citation and order for the return of property belonging to the deceased. It was enacted

to give the administrator a forum into which he could bring the person having the property, and examine that person and if the court found the property belonged to the decedent, could obtain an order of the court that the property be turned over to the administrative officer. This act has lost a large part of its practical value since the Appellate and Supreme Courts of this State have both held that the citation act is inapplicable where the respondent claims by adverse title. All respondents who want to retain the property naturally assert an adverse title, and our courts have held that where an adverse title is asserted the citation act is ineffective to recover the property, and the administrator is required to go into some other court and commence his suit to recover. The County and Probate Courts should have power to hear claims of adverse title in these matters, as it does in petitions for the sale of real estate, and should have the right to adjudicate the right of the administrator to recover this property. There should also be provision in the citation act for a jury trial.

My next suggestion is that the Probate Court should have the power to hear petitions by third persons claiming property in the hands of an administrative officer. There is no reason why the administrator having possession of property by virtue of his appointment by a court of competent jurisdiction, should require the claimant of that property to go into a court of general law jurisdiction to recover that property. The Probate Court should have power to hear those petitions.

The next suggestion that I have to make is that the Probate Court should have power, as it has in claims and demands against decedents' estates, to hear and adjudicate claims and demands against insane wards and minors wards of the court. The law as it stands now requires a claimant against a minor or insane ward to bring a suit at law and recover judgment against an insane ward. The Probate Court is organized for administrative purposes, and that should be the forum in which to file the claim and that court should pass on the right to recover.

I pause for a moment to suggest to you that you must not form the opinion that because of the many desirable amendments I am proposing, there is nothing good in the administration act.

The dower act is also susceptible to amendment. The dower act provides that when a decedent dies testate and leaves surviving a wife and no children, or descendants of children, she may be required to elect whether or not she desires to renounce the will sixty days after written notice is served upon her that all debts of the decedent are paid.

However, if a testate decedent leaves a widow and children and the widow desires to elect, she has the entire year in which to make up her mind, and the uncertainty of the scheme of distribution continues during that year. It seems to me that when a man dies leaving children, the provision with reference to the time within which the widow may be required to renounce should be the same as in the case where a man dies without children.

Another suggestion: In this state females arrive at maturity at the age of eighteen years and males at the age of twenty-one. Of course, these are arbitrary ages fixed by law, at which males and females respectively are presumed to have arrived at the age of discretion when they can handle their property safely. Frequently large estates come into the hands of young persons who have just arrived at their majority, and are frequently dissipated because of the inability of those persons to care for their property. It does seem to me a little latitude should be given a court of probate jurisdiction that it may say—and this is an unusual suggestion and may receive as much opposition as support—to the person just arrived at maturity, “Now, the court will withhold all or part of your estate for a limited time, not exceeding two or three years, so the court can extend its guiding hand just a little bit farther than the date fixed by the statute.”

The administrator who conducts a sale ought to have power, if there are no bidders, to continue that sale from day to day. As I read the cases, the administrator has no power to continue the sale to a date other than the date set in the publication notice. In cases where there are no bidders, there being no power to continue the sale, the administrator must publish again and go through the same formalities he went through before, and it sometimes deprives the administrator of the opportunity to encourage bidders to come from time to time to the sale.

I believe the Public Administrator's Act should be amended. It should be the aim of the law, and the Supreme Court has frequently said that it is the aim of the law, that the family of the decedent have the opportunity to administer the decedent's estate.

The court of probate ought to have a wide discretion in the appointment of an administrator, and the word "shall" in that portion of Section 18 of the Administration Act which provides that in certain cases "administration *shall* be granted to the public administrator" should be changed to "may," giving the court the proper discretion which a court of probate jurisdiction should have in cases of that kind.

The court should have power to appoint its own expert physician in cases under Chapter 86, the Lunacy Act. Of course, this is not a new question. In the Probate Courts we frequently hear cases where respondents are charged with insanity or mental incapacity, and these, not infrequently become wagers of opinion between "experts" whose services, and in some cases whose consciences can be purchased for from anywhere from twenty-five to two hundred dollars a day. It gets rather tiresome for even a young and healthy jurist to listen to these "debates" between doctors. It seems to me that if the court in such cases was permitted to appoint just one physician of recognized integrity and ability, that the trial would be shortened and the jury have a fairer statement of the medical aspect of the case on which to perform its labors.

The legislature in 1911, in its desire to make sales of minor's real estate in the Probate Court, very much like the sale of decedent's real estate in the Probate Court, passed an amendment permitting the court to try in cases of sales of minor's real estate, all questions of conflicting or controverted titles to the real estate. This amendment, however, makes no suggestion or provision of a method for bringing in parties who have these controverted titles so that an issue can be made and a decree entered settling all questions involved in the sale of real estate or upon controverted titles in the sale of minor's real estate.

I want to make one more suggestion which appears to me as rather important, and one which you will see is made with an

unselfish purpose, as it has no application to Cook County. This suggestion is that the judges of the Probate or County Court be denied the right to practice law in the counties in which they are elected. In all counties of the State, except probably Cook County and Will County, and some of the larger counties, these judges practice law in their counties. Of course, the law prohibits them from practicing in probate matters. The excuse offered is that the County Judge in the smaller counties of the State, does not get a living wage. Some, if not many, judges in this State get as little as \$600 a year for their services as jurists, and, of course, they can not live on this salary without a private practice. I can not imagine anything more inconsistent and criticizable in judicial administration than a judge leaving for a time, the bench, and trying a case with the venom and personalities that too often develop in a law suit, against a lawyer who the next day may appear before him in his court. The only way to prevent that is to see to it that the salaries of County Judges outside of Cook County are increased to a living wage.

When we had our bill before the legislature last session, providing that appeals from the County and Probate Courts should go to the Appellate and Supreme Courts, objection came from some of the members of the legislature who said "We can't get good judges in our County Courts" and if this objection is well grounded the reason is very patent because a good lawyer can not afford to sacrifice his time as judge for the small salary paid in some of the counties of the State. It is a big task to accomplish, and no body smaller than the Illinois State Bar Association, with the assistance of the judges of the State, can accomplish it. A constitutional amendment to this end may be necessary.

These are just about one-half of the suggestions I expected to talk about, but I have already used up about twice my time.

I thank you for your indulgence. (Applause.)

JUSTICE FARMER: The next speaker is Hon. William L. Pond, County Judge of DeKalb County, who will discuss the same subject.

JUDGE W. L. POND: Gentlemen and Judges: I am somewhat unfortunate in two respects. On looking at the program, and

the limit of time given for discussion, I came to the conclusion that the two gentlemen who would precede me would probably take up all the time and that would relieve me from saying anything. Another unfortunate position, if I made any notes that some one who did precede me would talk about the same subjects that I had in mind. I find this to be the case today. Judge Horner has taken a great deal of my thunder, so far as the recommendations that I wish to make are concerned. But particularly I do wish to emphasize the proposition of an amendment in relation to appeals from the final orders of the County Court while sitting in probate, as I am one of the judges from a county that has a County Judge that has probate jurisdiction.

I do find that the right of appeal to the Circuit Court generally results in something that is vicious to the interests of the parties, rather than good. We have good lawyers in my county, as some of you possibly know, and I know you have in all your counties. When that right exists of an appeal, out in the country—Judge Horner, I am referring to the situation in the country now—what is the situation? You are all lawyers and all know what, probably, you would do under the circumstances, if you represented the defendant estate, let us put it that way. They will come into the County Court, in all probability demand a jury, make their appearance, and if it is going to be a stand-up and knock-down fight all the way through they will put the claimant in the position where he must make his case in the County Court, or he is going to be in a bad position. He tries the case from his standpoint, puts in his evidence as best he can, spends probably a day in getting a jury and trying the case, and then the defendant estate, through its attorney says, we believe we will not put in any evidence in the case. It goes to judgment and then is promptly appealed to the Circuit Court. A stenographer has been sitting in the court all the time taking down everything, and they have simply got the other fellow's thunder, and they know what to prepare for in the Circuit Court in a trial *de novo*. The last time I had that played on me I spent a day and a half trying a case. The defendant estate put in no evidence at the close of my case, but promptly appealed it to the Circuit Court.

I do know why it has been urged in the past that this amendment should be not made,—it is the proposition last touched upon by Judge Horner. I don't believe the reason given was exactly true. They always seem to think that you gentlemen up in the Northern part of the State of Illinois have a different situation, that the counties down in the Southern part of the State have judges that probably are not as capable of trying contested cases of this kind and not expected to. I have not found that to be the situation, gentlemen; I believe we have now the very men for Probate and County Judges in the State of Illinois. On account of their familiarity with the estate and with the questions involved and the surroundings, their familiarity with the law which they meet every day, that as a rule, I believe—and I mean no discourtesy—they will try a controverted claim better than the judges in the Circuit Court of this State. The judges of the Circuit Court have been out of that practice for a good many years, and they are not familiar with it.

As I stated, Judge Horner mentioned several matters that I had in mind that I wished to call your attention to. The only one that I know that he does not come in contact with in Chicago, because he is strictly a Probate Judge, is one that most all the country judges do meet, and that is under the present drainage law of the State of Illinois. Practically every County Judge in the State of Illinois has come in contact with the farm drainage act or levee act, and I am one of them that does not generally know where I am at when I start to try one of those cases. I finally get through, and let it pass up to the Supreme Court. I presume those gentlemen do not know where they are, I have sometimes thought maybe they did not, but I always bowed, anyway, and said, that is right, and let it go.

I believe the matter can be simplified. We have now upon our statute books a law that has been well settled in the State of Illinois, and that is what we term our special assessment law for local improvements, with a very little change, after we get beyond organization of the drainage district, with a very little change in the special assessment act you can make it apply to the farm drainage act procedure, and proceed along the same line, and that

I believe would assist us and help out the matter materially. We do not know very much about farm drainage, and I do not suppose it is necessary; where land is \$25 to \$50 an acre they do not need drainage, but in my county, where land is \$200 an acre, they can not afford to have a waste acre of land, and it is making a lot of work. I am now in the position, Mr. Chairman, where you suggested that we stop. (Applause.)

JUSTICE FARMER: The next speaker is Hon. William C. DeWolf, County Judge of Boone County. (Applause.)

JUDGE WM. C. DE WOLF: I see by the program there are yet two judges to speak upon this same subject; if three of us are to get in our remarks within five minutes we will be going some, to your pleasure I assume, and to our satisfaction.

There are certain things that I want to point out wherein it seems to be desirable to amend the law. Judge Horner covered most of the propositions, but there are one or two touching upon practically the same things that I want to emphasize.

The purpose of the County Court in having jurisdiction over probate matters is to handle the entire estate just as completely and in just as short a time as possible. It is supposed to be now at the end of a year that the estate shall be closed. The way the law exists at the present time many things can enter in by which it is taken out of the power of the County Court to close the estates at that time, and keep it open almost indefinitely. Complete and perfect jurisdiction, it seems to me, ought to be given the County Court in all probate matters concerning all property and estate of the deceased. Judge Horner has spoken with reference to that proposition. The County Court ought to have perfect and absolute jurisdiction.

Judge Horner also spoke of the right of appeal from the County to the Circuit Court. I further would suggest the right of appeal so far as claims are concerned should be limited, not allowing a party who may have a claim of fifteen or twenty or seventy-five dollars to take an appeal and either go to the Circuit, Appellate or any other court and tie up the estates while that appeal is being heard in the higher court. Often in our community a lawyer does take an appeal under those circumstances and the

hands of the County Court are absolutely tied by way of closing the estate until the matter in the upper court is finally disposed of.

Judge Horner spoke also as to the power of the court to retain jurisdiction, or hold of certain property before it is turned over to those just come of age. That point is especially good so far as girls, or females, are concerned, because they arrive at the age of eighteen and they are not qualified to do business, their experience in life has not taught them anything as to how to handle property. A boy can not get hold of his property till he is twenty-one, he has had his experience. If it is turned over to her, in most cases it goes, either through her wilful act or foolishness in marrying some fellow who does nothing but help her spend what has come to her by inheritance.

As to the fees of administrators; the County Judge and the Probate Judge know more definitely and clearly than any other judge can know as to the work the administrators have done and what their fees ought to be. An administrator may act free, and he may not, if he does not the County Court before whom he is acting knows how faithfully he has administered the estate and accordingly how much fees he ought to have. And you get that question in the Circuit Court or Appellate Court and they know practically nothing about it. (Applause.)

JUSTICE FARMER: We will take up the next subject, a discussion on "Is Our Present Probation Law Productive of Good or Evil?" The first speaker is Hon. John W. Houston, Chief Probation Officer of Cook County. (Applause.)

JUDGE JOHN W. HOUSTON: It is usual that when a new system is started, which seems to be contrary to or is a change in the general order of things, it meets with tremendous opposition. That is especially true of anything that smacks of reform. It is sneered at, lied about, and condemned by people who are not informed and also by those who ought to know better.

It seems to be perfectly natural for the police department and those who have the prosecution of criminals, to object to leniency in any case. They have been so long advocating punishment for the suppression of crime, that they really believe in it themselves. It is fortunate, however, that there is such a thing as probation and

parole, because if there were not, they would have to find some other excuse for failures.

Criminals are made in all large cities because of conditions. We have the slums, the saloons, the gambling houses, the tough dance halls, the cabarets, and many other things of that character always with us. They manufacture criminals as fast as we can take care of them. The communities who foster and support these cess-pools of iniquity are to blame and they have to pay the penalty.

Adult probation is not a new thing, it has been in force in Eastern cities for some years and in Illinois, since 1911. All the most populous, cultured and wealthy states have adult probation laws. In fact, adult probation laws are in force in twenty-six states and the District of Columbia, and there is now pending in Congress a Bill providing for adult probation in our Federal Courts.

The law in Illinois now provides that an investigation must be made prior to probation, of the actual residence and employment of the defendant, and whether or not he has ever been convicted of a crime or misdemeanor before. It also requires that this report be in writing and filed in the case. Those provisions particularly apply to large cities like Chicago—and those amendments were suggested because we found that probationers often gave a false address and we were unable to find them. We also found that the defendant and his friends failed to tell the truth in regard to employment and previous conviction.

The provision requiring a written report to be placed on file was for the purpose of informing the Court as to conditions. This law acts as a sort of an equalizer between those who are able to pay a fine, and those who for non-payment would be compelled to serve a term in a correctional institution. Now, if a man cannot pay his fine, instead of sending him to jail, the judge can put him on probation and allow him to pay the fine in installments during the period of his probation. That provision is not generally known to the judges of the State, but it is very humane and just, and ought to be more widely used.

Judging by the outcry against the so-called leniency of the Court which tries cases of boys between the ages of seventeen and twenty-one years, it would appear that it is far more important to

send one of these boys to jail for disorderly conduct, a small larceny or embezzlement, or stealing an automobile for a joy ride than it is to apprehend and punish a man who commits murder. I sometimes think that in this commercial age money is more important than life.

In the County of Cook during the year 1915, there were 232 murders. I do not believe there was more than one hanging during that year. Very few of the guilty persons have ever been convicted and a great many have never even been apprehended. And yet, we hear more noise about the leniency in boys' cases than in all the rest of the criminal departments put together. If there should be leniency in any case, it should be in the cases of boys between the ages of seventeen and twenty-one.

It has been the policy of the probation department from the beginning to be conservative in matters of probation; never to advise probation in any case unless the defendant's residence is known, that he is a worker—not a loafer; that he comes within the law in regard to first offenders. I do not favor admitting defendants to probation because of the importunities of friends or relatives, unless they otherwise measure up to the standard of the probation idea. We want "accidental criminals" on probation—not habituals.

As to restitution; it is my judgment that no order should be made unless it is so reasonable that the defendant will probably be able to pay it during his probation. In the case of a youth, if the restitution is reasonable, it should be paid out of his own earnings—large amounts should be paid by parents or friends but in such cases there should always be a reasonable amount left unpaid so that the defendant himself by his own efforts, may be required to earn the money. We have had more trouble and more warrants are issued in larceny cases over the failure to pay restitution than for any other cause.

As to the cases where the defendant either appears to be mentally deficient or who has been examined by a psychopath and reported to be below normal, I do not think it wise to admit such person to probation, because they generally are not amenable to the discipline of the department. As a matter of fact, such cases should

be sent to a farm or institution where they will receive the right kind of training and become, if possible, normal members of society.

I do not believe vicious cases should ever be admitted to probation. The person who commits a vicious crime is not usually entitled to any consideration.

During the last fiscal year, the judges of our courts in this City and County, admitted 3629 persons to probation—33% of which were for larceny, 23% for disorderly conduct, less than 4% for burglary, and 14% for abandonment and contributing to dependency; the rest were for violations of city ordinances, soliciting, violations of the motor law, and other offenses.

According to the total number of cases admitted to probation for the several offenses, I find that there were warrants issued for seven per cent of the disorderly cases, nine per cent of larceny cases, 12% of burglary cases, and 42% of domestic cases. It will easily be seen from these few figures that there is more trouble for the probation office in the cases of men convicted of abandonment and contributing to dependency than nearly all other offenses combined. Most of the warrants in larceny cases are issued for non-payment of restitution—and more than 50% of the warrants in disorderly cases are for those who have either moved away without leaving their address, or absconded.

It is our experience that defendants admitted to probation for the greater crimes of burglary, robbery, grand larceny and larceny, do very well; and the percentage of bad cases is only slightly larger than those admitted to probation for disorderly conduct.

The percentage of good results in all classes of cases is more than 75%. There is about 20% where restitution is not fully paid—or they move away and are lost, that we are unable to discharge improved. There is about 4% who do not make good and are finally sent to the House of Correction for violation of probation or for another offense.

We do not pretend to make a good report of girls and women admitted to probation for soliciting, for even with those the judges believe to be fertile cases for reform, we find only 40% that really

make good. We can not get good results in those cases without institutional treatment.

We have found from experience that an idle boy is very liable to get into trouble, so I assigned one officer to go and see the person employing labor in all the manufacturing concerns and business houses he could, and ask them for the privilege of sending our boys to them. He has now a card index of over 600 merchants and manufacturers who have agreed to accept our probationers for employment and we are able to get a position for any one who is willing to work for a reasonable wage, and we have given employment to more than 500 persons since the 1st of January.

We have collected in restitution more than \$30,000 a year, and our probationers in the last two or three years have earned more than a million dollars a year. While the average is only about \$48 a month each, it seems to me that such a result is really worth while.

The figures given by me are not exaggerated or guessed at but are matters of actual computation from the regular reports of the officers, and from accurate reports kept by us, in the office.

I do not claim that the adult probation system is perfect but I do believe that even in its present imperfect form it is a great benefit and a saving in dollars and cents to the community. (Applause.)

JUSTICE FARMER: The next speaker is Hon. Roscoe J. Carnahan, County Judge of Stephenson County. (Applause.)

JUDGE ROSCOE J. CARNAHAN: I quite agree with the preceding speaker, having arrived at the same basis without consultation with him as to the successful administration of the probation system. My experience is based upon three years as probation officer in our district and two years as County Judge of Stephenson County. I quite agree with him that the probation system is successful in seventy-five per cent of the cases. The law is right in principle, the success depends upon its administration.

I believe bench and bar are of one accord that prior to the enactment of the probation law of Illinois there was no satisfactory method of dealing with first offenders; that while the benefits of parole and probation were sometimes obtained, there has

always been some question but that was done in an illegal manner and not in a way that could be satisfactorily applied in every case.

Our experience in the country has been, as I said before, that the probation system is productive of good. The evil of the probation system is not very great. Our chief difficulty in the country has been, and I can condemn myself in this respect, due to the fact that we have not made proper investigation of the history of the associates, of the environment, of those who asked for release upon probation; that we have not investigated their family history; that we have not looked them up carefully enough, and by reason of that there are often admitted to probate first offenders that should not be admitted, in whose general make-up there is no indication of possible reformation by release upon parole.

Another evil we have found in the country is, the custom of releasing every first offender that may ask for release has not been successful. While the purpose of the law was to release first offenders, it can not be done indiscriminately, we found out in the country. Very many offenders come into our district, they commit some crime, we investigate them as far as we can, sometimes upon bogus information; it is their first offense, so far as we can find out, they are strangers in our community. When the law was first adopted we released them, and they no sooner had been released than they left our community. So the judges in our district have adopted a rule not to release any man upon probation who has not some family or home ties, that will keep him in our community after he has been released.

The full responsibility of these first offenders can not rest entirely and alone upon the probation officer or upon his force, he must have the assistance of friends and relatives who will help him out with these first offenders before we can make this law successful. It has been successful in 75% of the cases.

Another evil we have in the country, I presume it is so in the city: A man is indicted and he refuses to plead guilty, and he will put the county to the expense of trying him and if he is found guilty he will ask for release upon parole. We have made it a custom in our district not to release any man upon parole who was convicted by a jury, after he had put the county to the expense of

trial and his getting the chance to find out whether he could get loose or not.

And another evil is these first offenders appearing by attorney and being led to believe that through the influence of the attorney they are released upon probation and not through the clemency of the law. It is not successful. The law is all right in principle, its success depends upon its administration.

I thank you. (Applause.)

JUSTICE FARMER: The next speaker is Hon. Jacob H. Hopkins, Judge of the Municipal Court of Chicago. (Applause.)

JUDGE JACOB H. HOPKINS: Mr. Chairman, and Gentlemen: Our probation law provides that any defendant who has not previously been convicted of a crime greater than a misdemeanor, on a plea of guilty, or a finding of guilty by judge or jury, or when he is found guilty of any violation of a municipal ordinance or of any criminal offense, some infamous crimes excepted, may be put on probation, at the discretion of the court. The law provides, that the judge, in his discretion, may put the defendant on probation, if it appears to him that there is a reasonable expectation that the defendant may be reformed, or that the best interests of society will be subserved.

Until this question was presented here for discussion it had never occurred to me that there could be any two opinions on the subject. It had never occurred to me there could be a division of opinion, that any man or set of men could be found who would seriously argue that probation, wisely administered, could by any possibility be productive of evil.

Probation, of course, comes from a Latin word which means, to prove. It means a trying, a trying again. It means investigation. Every judge in this room, and I take it any judge that has ever sat in any court of record in Illinois, during all of its history before this probation law went into effect, something less than five years ago, was, directly or indirectly, and by indirection and evasion and subterfuge, if you please, practicing probation in this court. We have a law now that gives him the power to do lawfully what he has always been doing by indirection. There is not a judge here that hasn't had a defendant appear before him where, by rea-

son of some circumstance surrounding the case, by reason of the previous good character of some boy involved, or the standing of the family, has not seen fit to continue that case in order that restitution or reparation might be made or in order that the family of the boy or the boy himself might report to the court, and the court has continued to hold jurisdiction of the case until such time that he saw that the defendant might be discharged and society suffer no injury thereby. We have all been doing those things all the years. Now we are permitted to do directly under this new law what we have been doing all of the time indirectly.

Of course the probation law, whether it is a success or a failure, depends, altogether upon two things: First, the disposition of the judge who has in his charge the administration of the law on the one hand; second, the probation officer who is acting under the direction of the judge, on the other hand. Some judges are temperamental, some are harsh, lack poise and are severe in their judgments, and judges such as these do not practice probation some times when it would be beneficial to the community that they should. Other judges are sentimental and ultra sympathetic and do things which, in justice to the community ought not to be done, and it is these that have brought the system, if anything has so brought it, into disrepute,—the administration of the law, certainly not the law itself.

Some of us here in Cook County have been slack in that matter to the extent that we have put defendants on probation who were already on probation, and perhaps more than once we have put defendants on probation who were habitual criminals or had served one or more terms in the penitentiary. We have put people on probation who were under indictment in the Criminal Court and were awaiting their trial, on a bond. It is such practices that have brought the system into disrepute. It is the exception to the rule. Some prosecutors in Cook County have seen fit to condemn the whole system because once in a while something of that kind has happened. But if Judge Houston's report is true, and we know that it is, because, I may say in passing, that the system that has been organized and developed here by Judge Houston is known all over the country. It is known in other municipalities as the Chicago

system. I was in Indianapolis some time ago and there I was asked many questions with reference to the Chicago system. Of course, it is the Illinois system because it is the Illinois law, but Judge Houston has perfected this system until I believe it is better than in any other municipality. His report shows, if I read it right, that 70% of those who have been put on probation by him have been discharged as improved. Now that is a magnificent record. If it were not seventy, if it were only 50%, to my mind the system would still be a success; because, if we did not put them on probation, what would we do? The only thing left for the judge to do in a case of that kind is either fine the man or put him in jail. If you fine him you have not reformed him, you have not cured any difficulty that he may have had, he has paid his fine and gone on his way. If you put him in jail you have only embittered him to the extent that he comes out regarding society as his enemy, and ready to commit further depredations.

You know, there has been a great change in the public mind as to such matters as this in the last ten years, and the probation law is nothing more or less than an expression of modern views as to how crime and criminality should be treated. Previous to this awakening on this subject the only idea that judges or those interested in penology had was that the defendant should be punished for the thing that he had done, and we have been punishing them all through the centuries. We have crucified them, we have burned them at the stake, we have guillotined them, we have hanged them, we have ducked them in the pond, we have set them in the pillory to add further to their humiliation, and the result of it all is that crime is still here. Crime is rampant. Crime goes marching on. In the period of enlightenment such as we have had in the last century, with the splendid development of scientific knowledge in every other line of human activity, when we have universal education, when we have, in most of the States, compulsory education, can it not logically be said that improvement has been made in every other line except in our methods of treating with crime? If these things are true then we have been

traveling the wrong road, and we are not getting anywhere. More scientific methods must be developed.

Always in treating with crime heretofore, we have considered only the effect of crime. It has never appeared to any court or to any civic organization interested in such matters, until late years, to inquire what was the cause of crime, to inquire if there was any relationship between the criminal and the influences that impelled him to commit crime; whether or not there was any analogy between crime itself and the mental constitution of those that were responsible for crime. Over in the Municipal Court we have a psychopathic laboratory, the very purpose of which is to diagnose the mentality of criminals. The results that we are getting over there are startling. The reports of our psychopathic laboratory in many of the cases are revelations and certainly every judge being obliged to pass on this subject daily ought to know these things; they ought to investigate these things for they would shed a lot of light on each case and very likely would frequently temper your judgments as you are giving them every day in this kind of cases.

This is a great subject and worthy of much discussion, but the time limit here does not permit me to go any farther with it, except to say that probation itself is one of the elements that enters into this situation. If a man is charged with murder and he pleads insanity, it is an excuse for the crime which he has committed, and we do not put him into the penitentiary, we take him to some other kind of institution where he is maintained and cared for until his brain is cleared, then we let him go, as a matter of course, on the theory that he has intentionally committed no crime, and the likelihood is that man will become a good member of society thereafter.

You judges who have sat in the Criminal Court know that drunkenness is frequently pleaded, not that it excuses crime, but it does go in mitigation of the punishment. Now, if by reason of these statistics that are being accumulated it becomes apparent that the man who commits a crime, while he may not be insane, while he may know the difference between right and wrong, is yet subject to some uncontrollable influence that impels him neverthe-

less to do the act, that thing is worthy to be considered by the judges, and the question of probation enters into the discussion right here—for the reason that it is a new view that we are taking of crime generally, and where a case of this kind comes before the court, if these things develop, then it must also appeal to the fairness and justice of the judge, and to his intelligence as well, that something ought to be done in that case except put that man in some jail or in the penitentiary.

The act itself has come as a great benefit, giving judges an opportunity to exercise more thought and closer supervision over the cases than they had previously done. I think that is all I have to say on the subject.

I thank you very much. (Applause.)

JUSTICE FARMER: The next speaker is Hon. DeWitt T. Hartwell, Judge of the Circuit Court for the First Circuit. Judge Hartwell does not seem to be present.

JUSTICE FARMER: That is the conclusion of the program for the discussion of the subject "Is Our Present Probation Law Productive of Good or Evil?" We have one other subject in which I hope you will be interested, and, while it is not on the program, and I have not been given any authority to throw the thing open for discussion, after the speakers on the program are through I will take the liberty of saying that we shall be glad to hear some general discussion, not very long, very short, only a few sentences, and not from very many men, but a few for a little while, after we have concluded the program.

The next subject is "Should Courts Take Cognizance of Public Sentiment?" and the first speaker on this subject is Hon. Frank K. Dunn, Judge of the Supreme Court of Illinois. (Applause.)

JUSTICE DUNN: Abraham Lincoln said in a speech delivered in 1859: "The people of these United States are the rightful masters of both congresses and courts, not to overthrow the constitution, but to overthrow the men who pervert the constitution." It is apparent therefore, that if the courts do not take cognizance of public sentiment, public sentiment may take cognizance of the judges to the extent of terminating their judicial careers.

There can be no doubt of the power of public opinion. What

is it? Sir Robert Peel described it as "that great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy and newspaper paragraphs, which is called public opinion." It is merely the prevailing view upon any question at a particular time and place, that is, the view held by the majority. It is usually thought of as a large majority, though in fact it may often be a most difficult undertaking to ascertain what public opinion really is. Its power is greater than that of statutes and constitutions. States have enacted in statutes and even placed in their constitutions prohibitions of the traffic in and manufacture of intoxicating liquors, but frequently these laws have been openly and defiantly disregarded and public officers charged with the enforcement of the laws either have not tried to enforce them, or their efforts have failed. The bribing of voters at elections goes merrily on. It is forbidden by law, but not one case in a thousand is prosecuted. The statutes prohibit the keeping of tippling houses open on Sunday, but often the tippling houses remain open, and no one is prosecuted, or the prosecution fails. Other instances might be mentioned of laws which illustrate the power of public opinion as well as its evil influence on public officials in the enforcement of the law. Public officers want to have the approbation of the majority of their fellow citizens, particularly of that part of them which votes. Many high-minded and faithful officials do their full duty regardless of the effect upon themselves, though they labor under great depression when the performance of unpopular duties runs counter to the public opinion. Any policy of government, any statute or course of action must have its foundation in public opinion if it is to be permanently maintained. If in accordance with public opinion, a law, however unjust, may be enforced; if contrary to public opinion, a law, however good, can be enforced only with the greatest difficulty and uncertainty.

Public opinion has never been so powerful as now and here in our own country. In some states the Initiative and Referendum, as well as the re-call of officers has been adopted to enable the people in mass, or that part of them who vote, to control directly as nearly as possible, the laws and their administration. In the

states which have not adopted these institutions the legislatures have to a great extent degenerated from representatives who deliberate and enact legislation with the broad view of the statesman, to an assembly of delegates appointed to put in form legislation supposed to conform to the ideas of the popular majority for the time being. This increasing power of public opinion is naturally to be expected from our democracy and our manhood suffrage. Powerful as public opinion is and strongly as it may be held, it is frequently lightly formed without much thought. Thinking is impossible to many persons and laborious to most and a large proportion even of reasonably intelligent persons, form their opinions without much thought. Their bringing up, education and training has implanted many opinions which they have never thought about particularly at all, and these opinions are held with special tenacity. Added to these are a little one-sided information or misinformation got from a newspaper, perhaps an expression of editorial views and a catching headline, a speech by a public man, or a conversation with a friend, the belief that a certain view is generally held, occasionally some real information and a little thought; these constitute the basis for much that goes to make up public opinion. But, however lightly formed, such opinions are firmly held and may bring disaster to the public man whose convictions compel him to oppose them. The newspaper is no doubt the greatest force in the formation of public opinion. It is the readiest and most effective means of reaching the greatest number of people. The community depends upon it very largely for the facts on which to base its opinions and to some extent on its editorial columns for its opinions based on the facts; but if a man cannot get a hearing through the newspapers, cannot get the facts presented to the people by the newspaper, but the facts are ignored or misrepresented, public opinion may be misled and the greatest injustice may be done. The numerous elements which operate to create public sentiment include also the lecture platform, labor unions, employers' associations, financial and commercial associations and the innumerable other means whereby the opinion of a few or many may be affected. It sometimes happens that one or several or many of the elements which are ineffectual in the formation of public sentiment may be af-

fectured by a decision of a court and a blast of criticism has followed the announcement of the decision. A President of the United States has been known publicly in a message to Congress to criticise the decision of a question of law by a judge whom he had appointed, and very severe criticisms have been made in the past few years of some of the judgments of courts of last resort in different states. These criticisms have sometimes gone to the extent of questioning the integrity or qualification of the judges who rendered the decisions. Of course, every one has the right to question the wisdom of a law and to criticise the correctness of the decision of a court and no one can object to the arraignment of a dishonest judge. The people made the laws. They are the expression of the public will, or public opinion, and the people have the right to criticise them, or to amend or repeal them in the manner authorized by law and the Constitution; but so long as they are laws they are binding on the judges and courts as well as on the people. They cannot be set aside for something else, which a court or a judge may regard as more in accord with the prevailing sentiment of the community, known as public sentiment, and the honest opinion of a court as to the validity or construction of a statute ought not to subject the court itself to criticism. A favorite remedy for any evil which people imagine to exist is to get a law passed and it is then thought frequently that the reform has been effected. When it turns out that little or nothing has been effected, either because the law as passed was in conflict with some constitutional prohibition, or was so crudely drawn as not to express the object it was intended to accomplish, criticism is directed, not against the law which fails to accomplish the purpose of its passage, or the constitutional prohibition which rendered it ineffective, but against the court for rendering the decision which it could not avoid rendering if it obeyed the law and the constitution. Of such a public sentiment, courts can take no cognizance. A sentiment which would destroy constitutional limitations or reduce their obligation, cannot be entitled to any consideration. Public sentiment as to what decision should be rendered in a particular case, or as to whether a public law should be sustained, or how it should be construed, has no place in the deliberations of the court and should have none. The only public

opinion of which the court can take cognizance in the particular case is that expressed in the constitution and the statutes. In them is written the popular will and they constitute the chart whereby the court must always direct its course. A court will always uphold a statute against constitutional objections when it can reasonably be done. No question of the reasonableness or the policy of the law, or even its justice can defeat its operation in a court unless a clear prohibition upon the legislature can be found in the constitution. Otherwise, it is the plain and unequivocal duty of the court to sustain the statute. If such prohibition does exist it is just as plainly and unequivocally the court's duty to declare the statute void. Public opinion has nothing to do with it, and no judge would permit his estimate of the public opinion of the day, his judgment of the view of the majority of the voters on the question, to have the slightest influence on his action on that question. Pontius Pilate, though he declared that he found no fault with the man, Jesus, touching those things whereof he was accused, yet, willing to content the people, permitted them to elect whether he should release Jesus or Barabbas, and washing his hands in token of his innocence of the blood of this just person, caused the just person to be scourged and delivered him to be crucified. Public opinion was with him, but infamy has followed him through the ages. Public sentiment is a dangerous guide for courts to follow. There is no certain way to ascertain what it actually is and if it could be known today it is likely to be different tomorrow or next month. The mob spirit disappears but conservative thought survives. Justice can be properly administered only in accordance with fixed rules established in advance and adhered to by the courts through any phase of hostile popular clamor. Laws judicially construed in the light of the constitution and of precedents and not of public sentiment, will alone secure the ends of justice for which courts are constituted. It is easy to yield to what appears to be public sentiment and go with it, but courts cannot do so. If the law and public sentiment go together, the court goes along, because it follows the law, but not because of the public sentiment. If the law and public sentiment follow different roads, the court follows the law and will take the consequences.

The court must square its decisions by the law and the constitution and not by its judgment of the decision of a state wide primary.

But there is a public sentiment of which courts do and should take cognizance. It is not the temporary public sentiment about any particular law or question which may vacillate from day to day or from month to month or from year to year. It is the deep seated public sentiment, which has its origin in the desire for universal justice and which is and has always been constantly developing in favor of social, political and material justice and by virtue of which the rules and principles of the common law, expanding with the progress of society, adapt themselves to the gradual changes of trade, commerce, arts, inventions and the exigencies and usages of the country.

Public sentiment is the origin of the common law which has its sources in the usages, habits, manners and customs of the people. It is a system of rules and principles resting upon the common consent and agreement of the community, as applicable to its different relations, capable of preserving the peace, good order and harmony of society and rendering unto everyone his due. It is never stationary. The few practical rules required by a crude people just emerging from barbarism become greatly modified, extended, changed and supplemented with the advancement of civilization, the increase in commerce, the development of the arts and agriculture, the accumulation of wealth and the manifold new relations and conditions arising from the changes in society. Justice is eternal and immutable. Its elementary principles are universally recognized and do not change, though necessity arises for their application to new cases, and courts under different circumstances, must modify the effect of the rules while still adhering to the reason of them and the spirit of the law. It is more than seven hundred years since the barons brought King John to bay at Runnymede. The common law of that time is the ancestor of the common law of Illinois today, but it was as different from the common law of this time and place as the manners, habits and customs of the men of that time and the state of society then were different from the manners, habits and customs of the men of today and the present state of society. What the

barons fought to gain we take as a starting point, but the rights we enjoy are the outgrowth of Magna Charta. Our constitution guarantees the citizen against deprivation of life, liberty or property without due process of law, but the principle is rooted in the declaration of Magna Charta; "We will not go against any man, nor send against him save by the legal judgment of his peers or by the law of the land." The guaranty of a fair, speedy and impartial trial which every man enjoys today, is found in the words: "To none will we sell, to none will we deny, to none will we delay right or justice." The principle of "no taxation without representation" was established by the declaration that "No scutage nor aid shall be imposed in our kingdom unless by the common council of our kingdom."

We have gone a long way since 1215, and the courts have marched with the progress of public sentiment. A large part of the law of the land is judge-made law and the courts in their decisions have not shown themselves narrow-minded or reactionary, but have been as they should be, responsive to the spirit of the age though not to that of the hour. It is not so long ago that corporations were regarded as the private property of their stockholders, to be operated for the interest of the owners only and no more subject to regulation by the State in the management of their business than private individuals. Discrimination between communities, discrimination between individuals, unfair and cut-throat competition, rebates and all other forms of corporate iniquity prevailed, while the public occupied the position of the innocent by-stander. These acts were generally regarded by those who did them and those who were "done" by them as legitimate. They were in accordance with the prevalent morality of the time, but in these days no one attempts to justify them, and the change in public sentiment has the support of the court in sustaining legislation to prevent such practices. It is a mistake to suppose that the courts have been indifferent to democracy and humanitarianism. In fact, the judge-made law has been generally as humane and democratic as the laws enacted by the legislature, if not more so. The rules of law which make masters liable for negligent injuries to their servants, require them to supply their servants with reasonably safe tools to work with and with a reasonably safe place to

work, and to warn them of dangers not apparent, all had their origin in the decisions of courts and not in acts of legislation. The property rights of married women are now secured to them by statute, but long before the first Married Woman's act was passed by any Parliament or legislature, courts of equity gave to married women the right to their separate estates and thus relieved them to a great extent of the almost total loss of control and ownership of their property which a common law marriage involved. Our laws have been individualistic. We have been devoted to the protection of the rights of property. We have believed in the untrammelled right and the equal opportunity of every individual to contract. Every legislative interference with the rights of contract, of property and of individual liberty has been regarded with suspicion, and the right of every man to run his own business in his own way has been so highly regarded that until recently business has been little regulated and controlled. Now, however, much legislation has been enacted and proposed for the protection of the weak against the strong, which necessarily interferes with the right of contract, the right to manage one's business in one's own way and to dispose of one's labor and one's own terms. Workmen's Compensation laws, Child Labor laws, Old Age Pensions, laws fixing the hours and conditions of labor in certain cases and a great variety of other laws have been enacted or proposed which are of comparatively recent origin and until within a few years had very few, if any supporters.

The judges of courts cannot be the leaders in social or economic reforms, however much sympathy they may feel for such reforms. They are bound by the limits of the constitution as well as by statutes and precedents. No doubt their judgment should be exercised in view of "what is sanctioned by usage or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare." But they are still always confined within the limits of reasonable interpretation. Public opinion as to what the law ought to be cannot change it, except when expressed through an act of the legislature or an amendment of the constitution. It is not the province of a judge to reform the law. He is excluded by his office from performing that part. It is his duty to interpret, maintain and

enforce the law, and if the law so interpreted and enforced is contrary to the sentiment of a majority of the people, they have the power by legal and constitutional means to change it.

JUSTICE FARMER: The next speaker is Hon. James C. McBride, Judge of the Circuit Court, Second Circuit. (Applause.)

JUDGE McBRIDE: Courts are organized for the purpose of promoting justice, protecting the weak against the unjust assaults of the strong and powerful and of aiding the poor as well as the rich in securing their rights as guaranteed to them under the law, and to protect them from the intrigues and snares of the knave, confidence man and evil designing ones.

The first impulse of most of us would doubtless be to answer the question here submitted for discussion in the negative, if it must be answered without qualifications. When we consider that many of the questions that arise in the settlement of disputes are questions of fact, about which men honestly differ, and that the court with his finite mind can only at best determine such rights relatively and not absolutely, we may then be warranted in calling to our aid such lights as are calculated to develop truth, promote justice and secure for those whose rights are in jeopardy proper results; we may call to our aid the wisdom of the learned in the law, and their experience as jurists, the learning of science, the skill of the artist and architect, the experience and observation of the agriculturist, miner, trader and others of the various avocations of life. It will be conceded that all of these avenues, and many more, may be consulted by the jurist, but we are today confronted with the problem as to whether or not public sentiment may or should ever be, in any manner, taken cognizance of. In my judgment, at least so far as is necessary in dealing with the subject upon this occasion, public sentiment is of two kinds: 1st.—A sentiment that may be created or arise from the supposed or distorted facts of some particular case; 2nd.—A public sentiment that may arise out of questions that have been fully considered by the public mind and a decision arrived at as a result of education.

The question arises, "Can public sentiment flowing from either of these sources ever be of benefit or advantage to the jurist in

exploiting the facts of a case and arriving at the truth of the matter in controversy?"

As to taking cognizance of that sentiment that arises from public opinion as to any particular case, I say emphatically "no." It is unreliable, most usually formed from false or unfounded reports spread by designing persons with a purpose to deceive and mislead the public mind. Very frequently the accounts given in the newspapers garble the facts, endeavoring to make the matters as sensational as is possible, not infrequently made up by interested persons seeking to shield or persecute the parties involved. A jurist who would permit himself to consider or be influenced in any manner by a consideration of such a sentiment would find himself involved in the meshes of falsehood and uncertainty and the conclusions reached would be far from the truth, and the real justice and equity that should follow the consideration of the case would be a delusion and a snare and tend to bring not only that court but all other courts into contempt, ridicule and disgrace and the jurist instead of drawing to himself the respect, esteem and admiration of the people whom he serves would in the end be shunned and looked upon with scorn and contempt; such a course upon the part of the jurist also tends to foster and encourage lawlessness, violence and disrespect of the law and of those entrusted with its execution. No judge ever loses cast or respect of the people by faithfully discharging his duty and turning his back upon a public sentiment arising from an ill-considered statement of facts. It may be that at the time the public and the newspapers will censure and criticise but in the end, a stiff back bone and fearless discharge of his duty will bring him not only the respect and admiration of the people whom he serves but they will willingly again entrust him with the discharge of such important duties, and even greater ones.

I cannot speak of this from any personal experience that I have had while upon the bench but I can say that from observation made by me in a case in which I was engaged while practicing at the bar made deep and lasting impressions upon my mind as to the splendid results that follow from a faithful and courageous discharge of his duties as an independent judge. One morning in the spring of the year of 1882, or about that time, a report was

circulated throughout the county, in which I lived, that a lady school teacher just at the close of her school for the day had been drawn by some ruffians in to the garret of a school building and there ravished. People from every section of the county scoured the country for the purpose of seizing the alleged ruffians. It was first stated that they were tramps, but no tramps could be found, and then the charge was made by the woman against three neighboring young men. They were arrested, the excitement ran high; most people took sides against the defendants, all kinds of stories were put afloat as to what occurred and as to what the defendants may have said and as to their conduct generally, until at last a mob gathered, the defendants were taken from the jail and some of them were suspended from the neck and their lives saved only by the father of the girl cutting the rope. Later on the case was taken by change of venue from Christian to Montgomery County, and was there tried before Judge Phillips, late of our Supreme Court. A jury of strong minded, intelligent and independent men and well versed in the affairs of life were selected to hear this trial; it lasted for several weeks and throughout the trial the presiding judge was fair, independent and just in all his rulings. The public mind was still agitated, the newspapers were publishing all kinds of reports damaging to the defendants, nothing was said in their favor, but the evidence for the defendants was so clear and convincing that not only the jury, but the judge as well, saw that the charges were unjustly made and that the whole thing was a fabric woven by the woman and her friends for the purpose of protecting her character and as a result the defendants were acquitted. Upon their acquittance a strong sentiment was aroused, great indignation was expressed against the jury, it was sought to organize a mob for the purpose of punishing the jury for its action but Judge Phillips, true to his instincts as a man, aligned himself with the jury, defended their action, and stated to the jurors and others that he would stand by them in their verdict because he believed that it was just and right. As a result of this, great indignation was expressed against Judge Phillips all over that part of the state, the citizens at Pana burned him in effigy and it looked as though the whole people were turned against him but it made no difference to him, he went straight forward in

the discharge of his duty. Within one year from that time the people began to see and appreciate what the jury and the judge saw at the trial, that the whole matter was a frame up and that the defendants were in fact innocent and as a result the people not only appreciated but were highly pleased with the conduct of the learned jurist, that he had probably saved many of them from participating in the mob that would have been a nightmare and disgrace to them throughout life, and as a further result in less than three years he was elevated by this same people, by a splendid majority, to the honorable position of Supreme Judge of the State of Illinois. I do not think I have ever read or heard of a case where public sentiment was so strong as in this case. They even threatened to mob the attorneys for the defendants and I felt sorry for my associates, Judge Thornton and Judge McCaskill and wondered if we three would have to "look up a tree" at the hands of these enraged people. I was then deeply impressed, and the impression remains with me to this day, that no jurist can afford to yield in the slightest degree to public sentiment formed upon rumors and fanned by the newspapers and the reports of those interested in the case.

While I am willing to denounce in as strong terms as I know how, any inclination to be influenced by this character of sentiment, do not understand me to deprecate a public sentiment flowing from a proper education of the public mind, which is of the second class to which I have heretofore referred.

A people of many and diverse callings who after due and diligent inquiry, thought and deliberation have arrived at a conclusion upon any subject such is worthy of the respect and consideration of any man entrusted, in any manner, with the making, administration or enforcement of the laws governing such people. The Supreme Court of the United States has said, in substance, in speaking of the value of the verdict of a jury, that an intelligent jury coming from the various walks and vocations of life are best calculated to arrive at the true facts of a case and juries are only representatives of the great body politic. A public opinion that is born of an education, from full investigation and interchange of thoughts and experience is well worth the consideration of any man. It was this character of sentiment that secured the Magna

Charta; it was this kind of sentiment that emboldened the framers of the Declaration of Independence to demand in no uncertain terms that the rights of the people be guaranteed to them and pledged their lives and fortunes for the maintenance of this sentiment. It required several years of education instituted and pressed by Thomas Benton to create the sentiment that expunged from the records of the United States Senate the famous resolution of censure upon President Jackson for the removal of the bank deposits. This measure, at first, had but few friends but by a system of education and the spreading of the facts concerning this, the public mind became so thoroughly convinced of the justice of the measure that representatives were elected who accomplished the expunging of this resolution even in opposition to some of the leading orators and statesmen of this government, and the expunging has remained undisturbed until this day as a monument of justice to one of the great and good men of the nation.

Within the past few years the people have been giving the conduct of the courts a more careful study and have demanded that less technicalities and more liberal interpretation of the laws be observed in the interest of justice and the protection of the people against the infamies of the criminal and evil designing classes especially. The courts and attorneys have been following along in the beaten path of technicalities and doubtless in many instances have permitted themselves to go beyond reason in such matters and because it was contained within the lids of the law books and their education had been such as to cultivate exactness they were unable to see and comprehend what the people did, but this sentiment has grown so much that the courts, attorneys and legislatures even, now see the injustice of such a narrow interpretation of the laws and are, in my opinion, growing more and more favorable to such an interpretation as will be most promotive of truth and justice. After all the real object of the courts and jurists should be and is to so conduct its business as to deal out exact justice and secure the real truth of the matters under investigation.

In conclusion allow me to say that if the rights of parties are fully, fairly and definitely fixed by the rules of law or equity then a jurist should be governed by such law regardless of any influence

of public sentiment of any kind or character. We should always be mindful of the fact that it is the duty of the judge to administer the law as he finds it and understands it.

JUSTICE FARMER: We have one judge present who is on the program, and I am sure we shall be glad to hear from Hon. Samuel C. Stough, judge of the Circuit Court for the Thirteenth Circuit. (Applause.)

JUDGE SAMUEL C. STOUGH: Mr. Chairman: I scarcely know how to address so distinguished an audience as this. I have had the privilege of talking to only common, ordinary lawyers, and when the audience is raised from the bar to the bench I feel embarrassed in knowing what to say or how to say it.

There seems to be but one side to this question with this audience. I take it that the question is not one of degree, but one of principle, should courts take cognizance of public sentiment? If they should in one case, then they should in all cases. There should be no discrimination. If courts should take cognizance of public sentiment when the volume is large, then the smallness or insignificance of the sentiment should not change the rule.

How are judges to determine what the public sentiment is? If a judge should consult public sentiment, then the lawyers that practice before him should have the right to discuss the public sentiment. And to what authorities would they refer the courts for the settlement of the mooted question as to what is the public sentiment in any particular instance. Evidently they must bring in the newspapers, and the lawyers might bring in the wrong newspapers and lead us astray. Or, better and safer still, they would refer you to the leading politicians and we might be obliged to leave the bench and confer with him. Now that is where you find public sentiment. You can not ascertain public sentiment by looking out upon the broad expanse of the universe, you must look to the leaders of the locality or consult the newspapers of the state.

Now I take it that this question has not been submitted to this intelligent assemblage as a mere joke, but that it is to be treated seriously, and I submit that in no instance can any judge ascertain what public sentiment is without he consults the news-

papers or consults the leading politicians. And our spirit of fairness, our education, compels all to say that any topic or subject that is before the Court for decision is entitled to debate and argument by opposing counsel; and since this question has been submitted to me I have thought, now and then, here and there, how the court is to decide what the public sentiment is, and for the life of me I can not find out except by consulting newspapers or the politicians.

Well, Mr. Chairman, if it is true that we should take cognizance of public sentiment, then the better the politician, the better the judge; the bigger the politician, the bigger the judge; and the smaller the politician the smaller the judge, because it is only the big politicians, that are true guides and exponents of public sentiment.

I would hate to think that my future was dependent upon my contrast and comparison with the politicians of the State. There is only one advantage, Mr. Chairman, that I have been able to discover in the affirmative of this question, and that is the advantage that I would have over you, Judge Farmer. You could not know what the public sentiment in my little County of Grundy was in any case. It would work a dismissal of the law of appeals. If trial courts are to consult public sentiment, then wipe out the Appellate and the Supreme Courts; they are useless. We are the monarchs, the czars. How do we know what actuates us, what influences us? Why, that address of Judge Dunn's sounded to me like one of Blackstone's lectures. It ought to find a home among the state papers of our government. I adjourned my court to come here, and I have been rewarded by hearing that magnificent paper of Judge Dunn's. We never read of reason ruling, but we all read of passion and prejudice swaying people. Public sentiment should find a welcome ear in the legislature of the State but should not find one in the judiciary.

Now, Mr. Chairman, I was expecting to prepare a real nice speech, but they changed the date on me and cut me out of one day, so I did not have time to get ready. And I will have to thank you for the honor of addressing the Supreme Court. It has been a long time since I have had the right to talk to any

member of the Supreme Court, sitting upon the bench. They have usually had a chance to talk at me.

I thank you. (Applause.)

JUSTICE FARMER: I should now be glad to hear from any judge, or, if there are any lawyers here I shall be glad to hear from them. (Laughter and applause.)

MR. MACCHESNEY: On behalf of the Bar Association, I wish to suggest two or three things for the purpose of getting matters in due form for another year.

I created a Committee on Judicial Section, with the chief justice as chairman, and one of the members of the bar, Mr. Mitchell D. Follansbee, is vice-chairman, and I think the character of this meeting, the attendance at it and the program we covered, indicate that there is a continuing need for a section of this kind. I therefore move

First, that the judges in attendance at the first session of the Judicial Section of the Fortieth Annual Meeting of the Illinois State Bar Association, endorse the plan of holding hereafter, annually, on the day preceding the meeting of the Illinois State Bar Association, a Judicial Section meeting.

Second, that it is the sense of the meeting that the president of the Bar Association for the coming year appoint the incoming chief justice as chairman of the Section, and that such practice be followed hereafter.

Third, that the president of the Bar Association appoint a vice chairman of the Section who shall be a member of the bar.

Fourth, that such chairman and vice chairman shall recommend such further organization to the Section as they shall deem wise, and the president of the Association shall appoint a Committee on Judicial Section, and such other officers and committees as necessary.

Fifth, that the right to participate in the Section be confined to the members of the judiciary, or former members of the Supreme Court of Illinois, the president of the Illinois State Bar Association and former presidents and the vice chairman and former vice chairmen of the Section.

Sixth, that the Committee on Judicial Section be empowered

to devise rules, if deemed wise, confining attendance at the meetings of the Section or particular sessions thereof to members of the judiciary, former members of the judiciary, the president of the Bar Association, the former presidents of the Bar Association, the vice chairman and members of the Judicial Section Committee and former vice chairmen of the Section, with such other additional regulations as they may deem wise.

The resolutions were unanimously adopted.

JUSTICE FARMER: If no one else will make a speech, I will, (applause) but it will be extremely short. (Applause.) I am glad to please you both times. I hope that we have all received some benefit from this meeting here. It is the beginning of an organization that will be, I am sure, productive of good. We are all engaged in the same work, and no department of the government is engaged in any more important work, and we certainly should take an interest in the future of the organization. I am like Colonel MacChesney, I go out now, but I will help the man that comes in and will be glad to do it, and I hope all of you will. That is my speech. Do any of you want to say anything? (Applause.) Judge Carter, you are nearly always ready to make a speech, can I not hear from you? (Laughter and applause.)

JUSTICE ORRIN N. CARTER: You charged me with making a serious speech down stairs, when I was trying to joke.

JUSTICE FARMER: Now Judge, if you undertake to joke here, tell us about it.

JUSTICE ORRIN N. CARTER: I always have to label my jokes. I should not make a speech here this afternoon, having had the promise of the chief justice and of the president of the Association that I would not have to talk if I came here. There is nothing that I can add to this interesting program that will be helpful. If the chairman had introduced me as he should have done, he would have given me some reason for making this talk. He could easily have given a reason, as Col. MacChesney did down in the dining room.

I am deeply interested in this work. Three years ago, at Montreal, a Section from the American Bar Association was established. I have been officially connected with that Section. We meet the next time, the last of August, this year, here, in Chicago,

and I think a letter has been sent to every judge in the State inviting him to attend that Section. We would be very glad, indeed, to have every judge of a court of record in the State attend the Section. You can see, from this brief statement, why I am interested.

I would be very glad, indeed, to have this Section a permanent addition to the State Bar Association. I think we have a great and needed work here. We have a great field in which the judiciary of this State can work. These subjects that we have been talking over this afternoon ought to be very close to every member of the judiciary. I agree, more fully than I often do in conference, with my associate on the left here, in everything he has said today.

I just want to comment on this question we have been talking about, as to public sentiment and the law. I do not think there is any man I ever sat in conference with in the Supreme Court, that has not wanted to carry out the spirit—I was going to say the letter, but I will say the letter and the spirit of the law. The difficulty is to decide what the letter and the spirit is. And it is astonishing to one, either a lawyer or a judge, who has never looked up the subject, to find how much law there is that is purely judge-made by the construction of statutes, and by frequently having to decide a case where the statute as worded does not apply in any specific and literal sense; and there is where we get into difficulty in the conference room and in different courts in the state, in deciding whether this be or be not the law.

The greatest historical writer this country ever had, in writing about the slavery question, said that it was found that the United States Constitution was not like the Rock of Gibraltar, that stood unchanged through ages, but it was found more like a great glacier, moving slowly down the valley formed by public opinion, and conforming to the valley as it moves. That carries out the idea of my learned associate here on my left, when he said very admirably, in a way that will be remembered by all of us, that the public opinion that the lawyer and the judge should observe should be the spirit of the age and not the opinion of the hour. And that is what the historian meant when he said the Supreme Court of the United States had conformed its ideas to the ideas of the

generations as they passed, with reference to the slavery question.

Now I ought not to make a speech here, but on all these subjects I feel deeply, and have thought about them more or less during all these twenty years that I have served on the bench.

I am wonderfully pleased with this meeting. The Judicial Section of the American Bar Association was the first organization of its kind that was ever brought into existence for the discussion of subjects close to and only connected with the work of judges upon the bench. As far as I know, Mr. Chairman, this is the first state organization of the kind. I believe the meeting here today has demonstrated that such an organization is offered a great field in which to work, and I hope, Mr. Chairman, with the help of this Section the work will extend to other states.

I thank you. (Applause.)

JUSTICE FARMER: What is the pleasure of the meeting? I give you fair warning, if anybody wants to talk he better do it now, if not, I will entertain a motion to adjourn till seven o'clock in this room. And I hope all who have not got tickets will go now and get them and attend the dinner.

JUDGE OSCAR E. HEARD: I move the Section now adjourn until seven P. M.

JUSTICE FARMER: The motion is carried, and the meeting is adjourned until seven o'clock.

DINNER FOR THE JUDGES.

May 31, 1916.

Hon. George A. Carpenter, Judge of the District Court of the United States, for the Northern District of Illinois, presiding.

JUDGE CARPENTER: Mr. MacChesney, and Fellow Judges: I did not know that the judges were so distinguished looking. And I realized, as I sat here tonight and talked with Justice Farmer, that you have been doing a really serious work during the day, and this dinner has been arranged as a little recreation, and the committee having it in charge realizing that, as a rule, judges like to talk shop, have arranged for a little running conversation to go on for the rest of the evening.

The subject suggested is, "Are Our Courts Courts of Law or Courts of Justice?" I do not know who propounded the question, but I think most judges will understand it. We all of us have had some difficulty in realizing the point of view of the man on the street. I dare say there is not a judge here but what has tried cases and finished them with a little feeling that, although he had done justice, as the books said he must do it, the man on the street would not understand it. Now the subject tonight, "Are Our Courts Courts of Law or Courts of Justice," raises that very question. Is a court, as Judge Hand put it, an arena for the exercise of mental gymnastics, or is it a place where a real righteous judgment shall be entered?

I am going to ask Judge Smith, of the Appellate Court of Chicago, to tell us first what he thinks about it. He is a soldier, he is a lawyer, he is a golfer and he has had a wide experience. Judge Frederick A. Smith. (Applause.)

JUDGE FREDERICK A. SMITH: Mr. Chairman and Gentlemen: I am sorry, indeed, that our Chairman is so far behind the times that he does not know that it has been a long time since I was Judge of the Appellate Court.

I am called upon, I suppose, as the first one to say anything upon this subject, simply to toss it upon the table, and then listen to what the other gentlemen say about it. The question as it is propounded seems to raise the suggestion that seems to be cropping out of it, whether or not, after all, our courts are not courts of justice; whether or not we are administering an antiquated law instead of administering justice through an antiquated procedure. In other words, there is a suggestion, I think, of a reform in the question, and I do not object to it on that ground. While I am not much of a reformer myself, I can follow reform.

The question needs to be looked at, and I understand it means to be viewed from the standpoint of the court as it is constituted by law. Not as it happens to be constituted at a particular time or in a particular locality, or under any peculiar circumstances, but simply the court as constituted by law and possessing the powers given it by law and administered in the normal way that a good lawyer and a good judge and a fairly good jury will ad-

minister the justice that is administered in the cases that are brought before it. Viewing it from that point, I unhesitatingly say that the civil courts are courts of justice. I do not think that it can be maintained successfully that they are not courts of justice. I can imagine, and I have long had convictions to the effect that they could be far better organized and established than they are. We would get nearer justice, both in civil and in criminal cases, if we had restored to our common law courts their common law powers, and if we had abolished from our system this trap contrivance of written instructions to the jury, for it is a snare and a delusion. It is simply a system by which ingenious lawyers do the best of their thinking in preparing traps for the trial judge, long before the case comes up for trial, and if in the hurry of business and with the brevity of time which the common law judge has to discover the technical defects which have been worked into the written instructions he fails to do so, and if it is possible for the Appellate or Supreme Courts to discover that those errors influenced in any way the verdict, a reversal results.

As applied to the administration of criminal justice our courts are failures, almost absolute failures in large cities; not in the healthy country atmosphere, but in large cities like Chicago, for instance; and it is due largely to the provision of our criminal law that makes a jury the judges of the law and of the facts, and compels every judge to sit a week or a month in trying the qualifications of jurors as to whether they are judges of the law, and whether they will make good jurymen or not when, if they were simply judges of the fact, and the common law powers of the court were restored to it, we would have altogether another tribunal. The wonder to me is that in large cities like Chicago we have any convictions in criminal cases. Imagine, if you will, the ordinary scene of a trial, a table covered with books and the lawyers selecting cases and addressing the jury and pointing out to them how, in such and such a case, which is very similar to the case at bar, the law was held to be so and so, and that in certain other cases on another point the law was held to be so and so, is it not a surprise that a jury could ever get through all such intricacies of law and facts and not have some reasonable doubt in their minds as to the guilt of the defendant?

A better system yet, and one calculated to bring about justice and punish crime and relieve us from being a perfect heaven for criminals, would be the submission to the jury of questions of fact alone. The jury should have nothing to do with the pronouncing of the judgment, with the fixing of the punishment. They have not the courage, save in exceptional cases. We have to waste months here in empaneling a jury simply because our citizens are cowards, they do not want to sit on a jury, they are afraid. Fear influences many of them to perjure themselves out of the jury box. There is no doubt about this, gentlemen, and there is no doubt about the seriousness of it. Of course many of our best citizens feel that they can not give the time for jury service, but after all, in certain classes of cases they will not qualify for jury service if they can perjure themselves out of the panel because they are afraid of the consequences or dislike the service.

A jury should have nothing to do except to find the questions of fact, and the court should instruct them orally, if they are to have any instructions on the law. But I can not help but admire the system in Canada, where they simply bring in a special verdict finding certain facts, and that is the end of their duty; then the court administers the law, applies the law to the facts, and pronounces sentence. With such an organization, such a law, our criminal courts might be efficient,—would be, in my judgment, much more efficient than they are.

With these modifications, in my opinion, of our practice and our system, courts of law, civil as well as criminal, would be much more efficient and become nearer courts of justice than they are now. (Applause.)

JUDGE CARPENTER: I think all of us appreciate that our rules of procedure are burdened with troublesome and perplexing technicalities. It seems to me that while the trial judges have a great deal to learn with reference to the conduct of their trials, with one end in view, to shorten the time of trial and to make it easier for the litigants, that the real burden lies with the courts of review. Now, when I sat in the state court, the courts of review reversed cases, and they still do, if there was manifest error in the record, and that irrespective of any prejudice to the parties.

Now it seems to me that there is no need of legislation for the court of review to say, admitting the error, there shall be no reversal unless there is manifest prejudice to the defeated party. And I would like to ask some of the speakers tonight to discuss the matter from that standpoint. I am going to call on Judge Alschuler, because in the Federal Court we have the other rule, that the Court of Appeals does not reverse save for an error with prejudice to the defeated party. An unprejudicial error is passed. Judge Alschuler. (Applause.)

JUDGE CARPENTER: I think a great deal of the law's delays lies with the courts, and a great deal of it lies with the system. I can take my own experience in calling the common law calendar in the Federal Court. We are about 250 or 300 cases behind; the calendar has not been called at stated intervals, but when it is called and the cases are set for trial, at least a third are dismissed when they are reached, or the defendant is willing to pay a sum in settlement which is satisfactory to the plaintiff. And I figure it out that the system is wrong. Many suits are brought and the plaintiff never expects to win his case. Many pleas are put in because all the defendant wants is time; he expects to pay some day. Now that is wrong.

It seems to me that something should be done towards making the costs heavier against the defeated party, and to give the successful party a reasonable attorney's fee. Every judge of Cook county that has visited Great Britain has come back to Chicago and told us of the wonderful system they have there, and the few judges. But they have not told us that the cases are fewer than we have in Chicago and that the cost of litigation there is something tremendous. And I undertake to say that if a reasonable fee were allowed to the successful attorney, all of these suits that ought not to be brought would not get on our dockets; at least a third would drop out, as a matter of course.

Now it is not fair for me to talk, I am not expected to. But the program was a little upset because some of the speakers, whose past I had looked into so as to introduce them properly, are not here. But it is not fair to the local judges to use all the time, and I am going to ask Judge Frank Boggs, of the Fourth Judicial Circuit, to speak to us. (Applause.)

JUDGE FRANK BOGGS: Federal and Circuit Judges: In an unguarded moment, just before coming to this room, I promised the committee that I would take Judge Crowe's place on the program. But when I observed the diffidence of the Judges who were on the program, and who had years of experience, at least some of them, on account of the difficulty that they said was connected with this subject, I began to feel like an old farmer who was breaking a team of young steers which he was holding with a rope. He had occasion to let down a pair of bars, and in doing so he needed both of his hands and so hitched the rope around one of his legs. Just then something scared the young steers, and they took the old gentleman on a wild excursion over the rough roads until the rope broke and left him in a very lamentable condition. When the neighbors came to him, and he came to, they said to him, "What did you do such a fool thing as to hitch the rope around your leg, under such circumstances for?" "Well," said the old farmer, "I hadn't gone five rods before I seen my mistake." (Laughter.)

And that is the way with me. I had not been up here five minutes till I saw my mistake.

I do not know of anything that I can say on this subject, of interest to the judges of this State. The greater part of them have served longer on the bench than I have. But if I should say something that you have heard before you will not be in any worse condition than a certain judge who happened to be in New York City on a Sunday, and thinking to be entertained, went to the church whose pulpit was then occupied by Dr. Talmadge. It happened to be the vacation season, and a tall gentleman with clerical garb stood up behind the pulpit—not Dr. Talmadge; he took for his text: "And Simon Peter's wife's mother lay very sick of a fever" and preached what to our judicial friend was a very prosaic sermon. Not to be outdone, he crossed to Brooklyn in the evening and thought he would hear Beecher, who was then at Plymouth Church. But to his dismay this same clergyman unwound himself, took the same text and preached the same sermon that he preached in the morning. The next day the judge found himself on the ferry boat, standing alongside of this clergy-

man. Just then the bells of the city began to toll. The clergyman remarked, "A very distinguished person must be dead, so many bells are tolling." "Well," said our judicial friend, "I think it is Simon Peter's wife's mother, I heard twice yesterday the old lady was very sick of a fever." (Laughter.)

Well, to be brief, I can not but feel, so far as the laws are administered in this State, in general the courts are courts of justice. That there must be rules of procedure and that there must be principles of law to be followed and rules laid down that will not only govern the particular case that may be before the judge that is then trying it, but that case would not serve its purpose if it did not become an example for others who may have contemplated litigation. A great many suits serve not only to dispose of that particular case that is then involved, but of other controversies that may be pending. And it is a matter of a great deal of importance that the people know what to depend upon in reference to the law, and so the laws must be certain, and they must be followed and, as one of the gentlemen remarked, it is not particular justice to be administered in certain localities. The law pertains to the whole State and to all the people, and it should be administered in one section of the country just the same as it is administered in another section of the country. If in the observation and enforcement of the rules we carry them beyond a certain point, and are too technical in the observation of those rules, they may be carried to a pass where it would work a hardship and would not subserve the ends of justice.

I believe that in the general administration of the law the judges and justices see to it that the laws are so administered as to render justice to the litigant. Our jury system in this state is a part of our court under the constitution, and my notion is that the juries, taken as a whole, have no other motive but to render justice to the litigants. And I believe that where the judges are given discretion, for instance, in fixing of a penalty, they are governed in the fixing of that penalty, along the lines due to justice. I firmly believe that. And judges are given a wide discretion in fixing those penalties.

It is another thing to the credit of the courts and to the

credit of the bar, that I think that the history of the courts and the history of the bar go to prove that the people believe in the courts and believe in the bar. There is no other profession that is trusted to any greater extent than the legal profession; and the history of the legal profession is that it is true to the trust. It is only an occasional member of the profession that violates his obligation to his client. Clients will turn over their greatest property interests, their family secrets, their very lives, to the members of the profession. They do not ask a bond, they do not ask a receipt, they trust them implicitly. And my notion is that the criticism that comes from the people with reference to the courts and with reference to the members of the legal profession, are from the people that have little to do with them. I never hear very many people criticise the courts who have had to do with them; it is usually some one else that has had nothing to do with them that draws the conclusion that the lawyer is dishonest and that the courts are subject to outside influence. But the clients themselves I do not believe hold that opinion.

Now Chief Justice Farmer made one observation this afternoon that I think was a good one. He said, "When you haven't anything further to say, stop."

Gentlemen, I thank you. (Applause.)

JUDGE W. K. WHITFIELD: Mr. Toastmaster, Judges of Illinois, and Members of the Bar: I was not aware of the fact till this present moment, that I was expected to appear in the place of Justice Cartwright. I was laboring under the impression that I was appearing upon the program by reason of the fact that Judge Crowe failed to appear. And I know that you judges feel a sense of disappointment that you are compelled to listen to me in place of Justice Cartwright or Judge Crowe. When my friends Judge Jett and Judge Heard approached me flying their distress signal, I demurred orally to their request that I take part in this program; they very politely told me however, that the demurrer had been overruled. Then I recalled the fact that I was a part of a profession that believes in obedience, and I felt that if I attempted to take an appeal to the portion of the Supreme Court that was present here this evening, that the appeal would avail me nothing

by reason of the fact that they had all three been drafted into service this afternoon.

I trust that the brief suggestions that I may offer upon this topic may not be altogether untimely, at least not so untimely as suggestions made by the good lady in the little story that I propose to relate to you. This story has to do with two ladies, the daughter of one and the dead husband of another, the husband having committed suicide by hanging himself in the attic of their home. The ladies were Mrs. Brown and Mrs. Jackson by name, Mrs. Jackson being the lady that had the misfortune to lose her husband. Upon learning the next morning of the death of the neighbor, Mrs. Brown suggested to her daughter that she believed she would go across to Mrs. Jackson and try to console her in her hour of bereavement. The daughter, knowing her mother's weakness for saying the wrong thing at the wrong time, protested that she ought not to go over there and she said, "Mother, you know if you go over there you will be guilty of saying something that you ought not to say." And she said, "Daughter, I certainly can be trusted in an hour like this. If I can't do anything else I can at least discuss the weather. And you know it is always a safe topic to discuss, the weather." So she went across to Mrs. Jackson, she met the good lady, very much in distress. She said, "Good morning, Mrs. Jackson." "Good morning, Mrs. Brown" came the response, with a sob. "It is a very disagreeable morning, Mrs. Jackson." "Yes, it is a very disagreeable day, it has been disagreeable all week; it has been so very disagreeable that I couldn't get my laundry dried; it has been hanging in the back yard upon the clothes line all week." "O, la me, Mrs. Jackson" replied Mrs. Brown, "I shouldn't think you would have any trouble in getting your laundry dried, you have such a nice attic for hanging things in." (Laughter.) So I trust there may be something in my attic after all worth while saying upon this proposition.

I am sorry, however, that my friend, Judge Alschuler has left. I wanted to tell Judge Alschuler why I think that this topic was selected, and I had nothing to do with the selection of the topic, and if the judge had only had in mind a certain lawyer who lives in the district over which Judge Boggs and I preside, who

had very much trouble in being admitted to practice law in the State of Illinois,—if he had kept in mind the definition that this lawyer gave on taking one of the many bar examinations that he took in order to be admitted to the bar, he would readily have understood that there is a vast difference between law and justice. This lawyer was asked the question in the examination, “What is law?” And this is the answer: “Law is the science by which we evade and defeat justice.” Now if Judge Alschuler had had that definition in mind there would not have been any trouble about his understanding the difference that there is between law and justice.

But, seriously, brothers of the bench, if I understand aright the purpose of this committee in propounding this question, they wanted us to think seriously, soberly, upon the question. Are we judges in Illinois sticklers for technicalities, or do we, in the administration of the law, and in the administration of justice, brush aside at times the technicalities, disregard, if you please, in a measure at times, certain hard and fast technical rules of procedure and measure out in the decree or in the judgment that is rendered, equal and exact justice to the litigants?

I think, when you come to consider the question, that the answer that you would make to the question depends altogether upon the viewpoint from which you approach the question. If you approach it from the viewpoint of all of the Circuit, Superior, and Municipal Court judges in the State of Illinois, I think that the answer would invariably come that in the administration of the law, law and justice does prevail in all our courts. If you approach it from the standpoint of about one half of the lawyers in the State of Illinois, I think that you would be able to receive from them the answer that in the case in which the lawyer had been successful, justice had prevailed; the other half of the lawyers who had been unsuccessful in a law suit, perhaps would be inclined to take the position that justice had not prevailed. And sometimes, when the proposition eventually reached the Supreme Court of the State of Illinois, the Supreme Court is disposed to agree with the defeated lawyer and say that neither law nor justice had prevailed.

If I read, however, the trend of the opinions of our Supreme Court aright, I think I see in those opinions a thing, perchance, that Judge Carpenter has not seen by reason of the fact that he has not had occasion to examine some of the more recent decisions of the Supreme Court. I have noticed, and I have been very much pleased to note that in recent years there is a growing tendency upon the part of our Supreme Judges to disregard the strict, technical, legal requirements of the law, and to examine the cases under review from the standpoint of ascertaining whether or not justice has, in fact, been done.

I remember that when I was practicing at the bar some two or three years ago, I had that impressed upon me in a most indelible fashion. I was defending, or thought I was defending two men charged with perjury. I thought that in the trial of the case the Circuit Court had disregarded substantial provisions of the law, and presented the case to the court upon that theory. But when the answer came from the Supreme Court, they very frankly admitted in that case that our position with reference to the technical requirements of the law having been violated was the correct position, but that the facts and circumstances in the case disclosed the fact that the men were unquestionably guilty of the charge preferred against them, and that substantial justice had been done. And notwithstanding the fact that there was error in the admission of the testimony, the fact that there was error in the giving of the instructions, the judgment of the lower court was affirmed. Very recently, I think in one of the last advance sheets where you see that same tendency upon the part of the Supreme Court, where one of the judges, (and I am not now telling the title of the case, or the trial judge) in the trial of a certain criminal case, marked, one instruction refused and read it to the jury; another instruction was not marked at all and was given to the jury; and there were other technical irregularities of that character. But the answer of the Supreme Court to that question was, that substantial justice has been done in that case, and notwithstanding the fact that technical objections did exist, that they would not reverse the case.

And I think that as Circuit Judges we all have imitated the

example of the Supreme Court in that regard and that we all recall now in our individual experiences a number of instances in which we have said, in passing upon a motion for a new trial, that perhaps the instruction was not drawn as it should have been drawn, technically, it may not be exactly correct, or there might have been some error in ruling upon evidence, but that we are satisfied from a consideration of the entire case as presented to us that justice had been done and that justice would prevail by disregarding the technical requirement of the law. I am glad that the Supreme Court is taking that trend, and I am glad that the Circuit Judges are following in the trail that the Supreme Court, as I view it, is apparently blazing in that respect.

I certainly appreciate the attentive hearing you have given me and the compliment that the committee paid me in asking me to make these rambling suggestions to the judges of Illinois. (Applause.)

JUDGE CARPENTER: I certainly, gentlemen, did not intend to charge any heinous crime to the Supreme Court of Illinois, but I did want to emphasize that some of their judges have a tendency to take refuge at times in the trenches of tradition. We do not realize always that the law is an elastic science, to meet all the changing conditions of the time. It seems to me that while stability is necessary, it must be so that we ought not to set ourselves in cement, in concrete, so that we are absolutely unmoved by the best of modern thought on the new conditions. That was my idea when we opened this discussion, and now I am going to ask our president to pronounce the benediction: Mr. MacChesney. (Applause.)

PRESIDENT MACCHESNEY: Mr. Toastmaster, and Judges of Illinois: I assure you that it is a great pleasure to me to have the privilege of being here tonight, and to have you here as members of the Judicial Section.

To my friend, Mr. Mitchell Follansbee, who is vice chairman of the committee which I appointed, so far as the bar is responsible for this meeting, goes the credit.

I think you will all agree with me that the idea of having the judges brought together in this way is a useful one, and that

it is bound to grow in usefulness as the years go by; a place where questions may be discussed frankly and freely.

The question itself, I am thankful to say, was not chosen by a member of the bar, so any criticism the judiciary may have to pass, let them pass it; it is passed upon themselves. I understand it was taken from that very interesting play, "Within the Law," or that it suggested it. "You call them courts of justice, we call them courts of law." And whether the criticism is fair or not remains to them. It is hardly less important to have people think you are right than actually to be right. Both must go hand in hand if justice, after all, is to be accomplished. One of the great forces of justice is to make people feel that they are being treated right, and of course, as you know, I do not need to discuss that here, the great difficulty is in the administration of justice as it is in the passing of laws and everything else; law must necessarily lag behind the most intelligent standard in any community because it is only where there has long been a strong and forceful minority thinking upon things that the thought can be incorporated in the form of law that continues long after the advance guard of civilization and thought upon those subjects has marched on again.

We heard this afternoon in that admirable paper by Judge Dunn, the true attitude of the courts with reference to this whole question, when he said the courts were bound to march with the spirit of the age, but not to heed the opinion of the hour.

I want to say again that it is with great pleasure that the Illinois State Bar Association has you with it this time as a separate section and body, and we hope we may prove to be mutually useful as the years go by, for, after all, we are members of a common profession, each endeavoring to help the other achieve the best in the administration of law which all of us hope shall be also the administration of justice. (Applause.)

JUDGE CARPENTER: The meeting is adjourned.

PROCEEDINGS
OF THE
ILLINOIS STATE BAR ASSOCIATION
AT ITS

FORTIETH ANNUAL MEETING

May 31 and June 1-2, 1916.

The Association convened in annual meeting at the Hotel La Salle, at ten o'clock in the morning, June 1, 1916, and was called to order by Nathan William MacChesney, president.

THE PRESIDENT: The Association will be in order. The first item on the program is the report of the secretary-treasurer, Mr. John F. Voigt. (Applause.)

The report was presented as follows:

REPORT OF SECRETARY.

By JOHN F. VOIGT.

June 1st, 1916.

To the Members of the Illinois State Bar Association:—

MR. PRESIDENT AND GENTLEMEN:—I herewith submit my annual report as secretary for the year ending June 1st, 1916.

The proceedings of the Thirty-ninth Annual Meeting of the Association, held at the Courthouse in Quincy, Illinois, June 11th and 12th, 1915, have been published in the usual book form and distributed to the members. A detailed account of that meeting is therefore deemed unnecessary. This report contained 583 pages. It was sent also to our exchange list, including all the State Bar Associations, many law libraries, colleges and universities. 2555 copies were printed and nearly all of them have been distributed.

The past year has been a most active one for the Association. A more comprehensive plan for the appointment of committees has been adopted and appointments have been made in accordance with it. The Organization Committee and Committees to Co-operate with Local Bar

Associations have been increased by the appointment of one such committee consisting of five members from each of the seven Supreme Court Districts of the State and the chairman of the committees from each of such districts together constitute the General Committee on Organization.

The Committee on New Members, the Committee on Admissions and the Committee on Grievances have each been organized in the same manner. In this way the members of each sub-committee are appointed from the same Supreme Court District. Committee meetings are held at some convenient place within the district at which a quorum can easily be obtained. The plan has worked well during the past year and it is believed that it will be the most satisfactory arrangement that can be devised for carrying on the work of these various committees. The membership of nearly all of the committees has been increased and every county of the State in which the Association has members and every judicial circuit is represented on these various committees.

The reports of committees that were filed with the secretary on or before last Monday have been printed in pamphlet form for the consideration of the members of the Association at this meeting.

The Judicial Section of the Association has been organized. It is expected to include in its membership every judge of every court of record in this State. Its sessions will be held annually on the day before the annual meeting of the Association. The program of this meeting contains the program of the Judicial Section, which met in this hotel yesterday. It is confidently expected that the Judicial Section will bear the same relation to the Illinois State Bar Association that the Judicial Section of the National Association bears to the American Bar Association, and that it will enable the judges of this State to bring about needed reforms in the courts.

The Illinois State Society of the American Institute of Criminal Law and Criminology is again holding its annual meeting in conjunction with the meeting of this Association. A joint session of that society and this Association will be held in this room tonight, June 1st. The program of that society is also incorporated in the pamphlet containing the program of this meeting. The officers of the Association hope that the present arrangement for holding the meeting of this society at the same time and place as the annual meeting of this Association will be continued.

The mid-summer meeting of the Illinois State's Attorneys' Association is also being held in conjunction with these several meetings. We believe that it will be most beneficial to the bench and bar of this State to bring together at the same place and the same time all the various organizations of the State which have for their object the improvement of the administration of justice in this State.

On November 6th, 1915, the Association gave a dinner in honor of the justices of the Supreme Court, at which also the wives of the justices were guests of the Association. The dinner was largely attended. Six thousand copies of the addresses delivered at that dinner were printed in pamphlet form and distributed to our members and to several thousand other lawyers of the State.

On November 29th last, this Association gave a banquet in honor of the Association of American Law Schools, the annual convention of which was in session at that time in Chicago. The addresses delivered at that dinner were also printed in pamphlet form and distributed quite generally to the lawyers of the State, including the members of this Association.

A dinner was given on February 19th, 1916, in honor of John Barrett, director general of the Pan American Union, who delivered an address on "Pan Americanism and The Monroe Doctrine." This address is also being printed and distributed by the Association to our own members and a very large list of lawyers in the State.

On March 18th, a dinner was tendered by the Association to Theodore E. Burton of Ohio, who spoke on "Distinctive Political Tendencies of the Time." This address is being printed and will be distributed to our membership and a large list of attorneys in the near future.

An April 29th, the Association gave a dinner in honor of Theodore Roosevelt, who spoke to an audience of thirteen hundred persons, mostly lawyers, on the subject of "National Duty and International Ideals."

No political significance has been attached to any of these dinners, and at this annual meeting the Association will entertain, among other distinguished guests, Senator James Hamilton Lewis and Governor Edward F. Dunne. At this time of world-wide war the officers and the Board of Governors of the Association have deemed it wise to cause to be delivered to the Association these addresses which bear generally upon various phases of international law. It has been the endeavor of the Board of Governors to have these subjects presented to the membership of the Association by some of the most representative men in America without regard to their political affiliations.

All these addresses will be printed in pamphlet form for distribution among the members of the Association. Additional copies of any or all of them can be obtained from the secretary.

During the past year the officers and the Executive Committee of this Association have, for a number of reasons, deemed it wise to cause the Association to be incorporated under the laws of Illinois as a corporation not for pecuniary profit. Such action has been taken. A charter has been granted to the Association. Its incorporators were its Officers and Members of its Executive Committee. The by-laws of the

Association have been revised and it is believed that the scope of the work of the Association has been greatly broadened by this action.

We hope that this corporation may become the holder of a substantial trust fund to be used for the benefit of unfortunate worthy members of the Association in their old age, and we believe that the Association as a corporation could better undertake this work than if it continued to remain a voluntary unincorporated society.

Other reasons will readily occur to the members showing the wisdom of the incorporation of the Association.

I am pleased to report that, chiefly through the efforts of the Committees on New Members, of which Bruce A. Campbell of East St. Louis, is chairman, we have received during the year about 175 applications for membership. We now have, including the applications received up to this time, about twenty-one hundred and fifty members. During the past year we have lost quite a number of members by death. A list of those who have died during the year, together with brief biographies of each, will be found in the Necrologist's Report.

During the year our beloved First Vice President, William F. Bundy, passed away. A committee of the Association, including the secretary, attended his funeral at Centralia.

The Executive Committee appointed Albert D. Early of Rockford to succeed Mr. Bundy. The president, in accordance with the provisions of the by-laws appointed Logan Hay of Springfield a member of the Board of Governors to succeed Mr. Early. Leslie D. Puterbaugh of Peoria was appointed a member of the Board of Governors so that the corporation would have a full membership as provided in its charter.

Your secretary has mailed letters of inquiry to the judges of all of the Circuit and County Courts of the state, with the exception of those in Cook county, asking whether or not the rule relating to instructions to juries, heretofore approved by this Association, had been adopted in the respective counties where such judges hold court, and if so, how it has worked. The replies received indicate that this rule or a modification of it has been adopted by the following counties:

Cook	McLean	Fayette
Mercer	Whiteside	Effingham
Knox	Christian	Jasper
Rock Island	Clinton	Montgomery
Peoria	Marion	Moultrie
Shelby	Greene	DuPage
DeKalb	Kane	McHenry
Winnebago	Boone	Madison
Kendall	Putnam	DeWitt
Lake	Brown	Tazewell
Platt	Clay	
Total 32.		

Quite a number of other counties are expected to adopt the rule in the near future.

The great majority of the judges who responded stated that this rule is working admirably. Some few objected to it and suggested that if the judge is competent, he will know the law and does not need the assistance of the attorneys; that the consideration of the instructions by the court and the attorneys out of the presence of the jury is a waste of the time of the court and that they doubt whether lawyers generally would really help the court to avoid error. One judge replied that he thought the rule ought to be made stronger so that objections not urged to the instructions before argument should be considered waived. Taking the replies as a whole we are convinced that in the very near future, this rule, by its own intrinsic merit, will win its way and find its place among the court rules of nearly all of the *nisi prius* courts of this State.

During the past year the Chicago headquarters of the Association have been maintained at the Hotel La Salle, in Room 212, which was very kindly furnished to the Association by the hotel without charge.

Recently the Board of Governors has arranged to open Springfield headquarters of the Association at Room 204 Leland Hotel. This room has been set aside by the Leland Hotel Company without cost for the use of the Association. Members having occasion to be in Springfield are cordially invited to make the headquarters of the Association their headquarters. This office is to be maintained for the convenience of our members as well as that of the secretary.

We receive the reports of nearly all of the State Bar Associations of the United States. The same questions that are interesting us are of interest to other associations also. A brief review of some of these reports might be of value.

The members of the Virginia Bar Association last year heard an address by its president on "The Judicial Department of the Government" in which he reviewed that department from the time of Washington and from whom he quoted the words: "The Judicial Department—the keystone of our political fabric—the chief pillar upon which our national government must rest." Two papers of much practical value dealt with the subjects of "Financing Municipal Improvements in Virginia" and "The High Cost of Appeals in Virginia and Proposed Remedies."

The annual address was delivered by James Byrne of New York on "Probable Changes in the Laws of War." Among other things he said, "Whatever the ultimate possibilities of invention producing more agreeable methods of destruction—public opinion is more today than formerly with Russia in her attitude of seeking to limit rather than increase new instruments of warfare."

In the North Dakota meeting the bar reviewed the laws that had been enacted at the last session of the legislature, and Henry D. Estabrook of New York gave the annual address on "The Constitution Between Friends." In speaking of the Supreme Court he said, "It is the most august and compelling power ever devised by any government—the most rational, considerate, discerning, veracious impersonal power—the most candid, unaffected, conscientious, incorruptible power—a power peculiar and unique in the history of the world. Everybody knows that laws do not enforce themselves however made. Back of them is the coercive sanction of the crystallized public sentiment that begot them in the first place. Our Constitution is no exception to the rule. Its energy and its agency, its warrant and vouchsafement are chiefly and certainly in our love for it. It holds ideas and ideals which our fathers died to realize. It grew out of the war of the Revolution. It survived the war of the Rebellion. It must continue to survive if ordered liberty is to survive."

The 15th Annual Meeting of the Minnesota Bar was held in August of last year. The president spoke upon the general subject of legal ethics. He suggested that "if the legislature has power to require insurance companies to join and be members of a rating bureau, as a condition to their right to do business in the state, it also has power to require all lawyers, particularly in the State of Minnesota to become and remain members of a State Bar Association as a condition precedent to their right to practice their profession in the state. If such a law could be enacted it would give the State Bar Association a standing it cannot otherwise obtain. It would insure a stricter requirement on the part of practicing attorneys to live up to the ethics of the profession."

Frederick C. Stevens of St. Paul spoke on "Lawyers as Lawmakers." In part he said, "There is a very much larger proportion of lawyers in the administrative work of the National Departments than in the State Departments, and necessarily a very much larger proportion of lawyers engaged in the preparation of legislation in national government than of the state. And I think that is one of the reasons which contribute to the greater confidence which the people have in the administration of national affairs rather than of the state. The lawyers after all are the best fitted to perform the important administrative and executive work, and for the last century they have performed most of the legislative and all of the judicial work of our country."

Charles W. Boston of New York City gave the annual address, speaking upon Legal Ethics, he dealt particularly with ambulance chasing and the disciplining of attorneys. "Legal Ethics," he says, "is a branch of sociological jurisprudence and when high ethical standards

are observed, the community benefits and when they are lowered by frequent breaches the community suffers."

James R. Mann, a member of this Association, spoke of methods of lawmaking and procedure in legislation and proceedings which lead up to legislation. He spoke of the need of fewer laws and better ones, and to have fewer long and complicated provisions of law which no one will understand and more short plain provisions of law which all may understand.

The Thirty-eighth Annual Meeting of the New York State Bar Association was held at Buffalo in the early part of 1915. Alton B. Parker gave the annual address, recommending some provisions relating to the Court of Appeals for incorporation in their proposed new constitution. Former President Taft addressed the meeting upon "State Constitutions" dealing with the two subjects which the convention in making a new constitution would consider: 1st. Governmental Organization" and 2d. Guarantees of Individual Rights." Morgan J. O'Brien read a paper on "The Making of the Constitution." This paper was so well regarded that the association voted that copies of it be sent to each delegate who had been elected to attend the State Constitutional Convention. The members of the Association participated in a lengthy discussion of the subject "Shall the Executive and Judiciary Articles of the Constitution Be Revised and if so How?" Many recommendations were submitted by the Association for consideration by the State Constitutional Convention of 1915. President Clearwater discussed "Menaces to the Administration of Justice" calling attention to three matters, 1st, The Exemption from jury duty; 2d. The preliminary trial by newspapers; 3d. The Inertia of the Bar. Charles E. Hughes of the Supreme Court gave a most eloquent address upon "Some Aspects of the Development of American Law." Adolph J. Rodenbeck addressed the Association on the "Simplification of the Civil Practice." This was followed by a lengthy discussion. Then a resolution was adopted that a committee be appointed to further investigate and confer with committees from other associations in perfecting a plan for the simplification of court practice.

West Virginia lawyers held their Thirty-first Annual Meeting at Clarksburg, December 29th and 30th, 1915. President J. W. Vandewert gave the annual address on "The Lawyer and the People." He briefly considered the nature of the profession and its demands, then spoke of the modern lawyer and how he has been evolved.

Thomas J. Jacobs read a paper entitled "As a legal proposition, has the Supreme Court of the United States power to enforce the decision against West Virginia in what is known as the Debt case?" This was a discussion of purely legal questions and was followed by a discussion in which the members of the Association participated.

"Constructive Contempt" was the subject of an address by John C. Palmer, Jr. Roscoe Pound, formerly a member of this Association, delivered an address upon "Law and Morals." In his address he suggested that "when a lawyer speaks on such a subject the laity is likely to ask how those two things happened to get into connection. In its origin the traditional attitude toward the lawyer was an incident of the disputes between theology and law which began with the revival of the study of Roman Law in the Italian universities in the twelfth century."

Connecticut held its 1915 annual meeting at Hartford in January. President Charles Phelps in his address suggested ways that the Bar Association could be of help to the General Assembly of the State. Mr. Harriman read a paper on "Efficiency in the Administration of Justice." He said in part, "Such efficiency depends substantially on three factors. First, Upon the organization of the judicial department of the government; second, Upon the selection of the personnel of the government, and third, Upon legal procedure.

The lawyers of Maine held annual meeting in June, 1915. George C. Wing, president of the Association, gave a short address, followed by a paper by Chief Justice Parsons of New Hampshire, who reviewed the whole field of the administration of justice. One of his striking statements was "What justice needs is the removal of the blinders inherited from the usage of an age when public opinion sanctioned hanging as the proper punishment for theft, forgery and other crimes against property.

Your secretary is now completing ten years of service as secretary and treasurer of this Association, and will, at the close of this meeting, retire from this office.

Ten years ago the Association had about eight hundred and fifty members. It has continued to grow in numbers from year to year until today it is the second largest State Bar Association in the country, and we believe that it ranks second to none in its activities and in its power and influence. The Association must continue to grow until every practitioner in the State who is qualified to become a member has his name enrolled in its membership. Large numbers give large influence. This Association ought to be so strong among the lawyers of this State, and in every section of the State, that when it approves a measure and recommends its adoption by the General Assembly there will be practically no opposition in the legislature to such measure. It ought to be so strong that no man, or body of men, can prevent the legislation that it advocates from being written into the statute law of this State. No lawyer ought to ask, "What can I get out of the Association?", but rather "What can I put into it? In what way can I help to accomplish worthy things for the bar and the people of this State?"

Every lawyer owes much to his profession. The people look to the lawyers for leadership in everything that pertains to the law, and the law touches human life at every point. It safeguards and protects all that is dear to man. Lawyers by education and training are taught to revere and honor precedent. They are the great conservative forces in the community. They are apt to regard what is and what has been as right. New conceptions of social and economic justice are demanding a place in the law of the state. Many of the old laws are becoming obsolete and unsuited to modern life.

The technicalities of the law which judge and jury welcomed a hundred years ago to save some poor fellow from the gallows for stealing a loaf of bread have little place now in a system of law that has been humanized and where penalties have been graded to better fit the crime. Technicalities must, like barnacles from a ship, be scraped off from the law. Unreasonable delays in the administration of justice ought and must cease. People want a simplified procedure. Sometimes lawyers pay more attention to the path than to the destination. People want the courts modernized,—some of the methods of modern business introduced to make the courts more effective to render substantial justice on the merits of a case within a reasonable time. No individual lawyer can accomplish these things. The organized bar of this State can accomplish these reforms. This Association can and ought to bring them about.

In regard to the treasurer's report, I beg to say that it covers more than fifty typewritten pages. With your permission I will give only a summary of it and file the report for future reference.

**SUMMARY OF REPORT OF JOHN F. VOIGT, TREASURER, FROM
MAY 31, 1915, TO MAY 29, 1916.**

Balance in National Bank of Mattoon May 31, 1915.....	\$ 2,120.55
Cash Receipts during year.....	11,447.11
Total Receipts	\$13,567.66

DISBURSEMENTS.

Total amount of disbursements from May 31, 1915 to May 29, 1916	\$10,941.12
Balance in National Bank of Mattoon at close of business May 29, 1916.....	\$2,624.54
There was on hand at the time of the last report a year ago the sum of \$2,120.55. During the past year enough money has been col-	

lected so that the total receipts during the year, including the balance on hand at the time of the last annual report, amount to \$13,567.66. This is the largest amount that has ever been collected by the Association in any one year. The amount has been very largely increased, however, by reason of the receipts from five banquets that were held during the year.

The total expenses of the Association during the past year amount to \$10,941.12, the largest in the history of the Association, chiefly for the cause above named. There was on deposit to the credit of the secretary-treasurer in the National Bank of Mattoon, on May 29, 1916, the sum of \$2,625.54. The secretary has a letter from the cashier of that bank stating that there is the sum of \$2,624.54 on deposit in that bank to the credit of the secretary-treasurer on the 29th day of May, 1916, which is as follows:

THE NATIONAL BANK OF MATTOON.

MATTOON, ILLINOIS, May 29, 1916.

This is to certify that there is due John F. Voigt, Secy. and Treas. \$2,624.54 at the close of business May 29, 1916.

THE NATIONAL BANK OF MATTOON,
FRED GRANT,
Cashier.

The treasurer's report has been referred, by direction of the chairman of the Committee on Audit and Expenses to Barrow, Wade, Guthrie & Co., certified public accountants of Chicago, and has by them been examined, and there is here a report on the books of the treasurer made by that company which shows that the treasurer's report is correct.

In conclusion I move that both the report of the treasurer and the report of Barrow, Wade, Guthrie & Co. be referred to the committee on Audit & Expenses of this Association. The motion was seconded and carried.

MR. WILLIAM R. CURRAN: I desire to suggest the name of Tazewell County, as having adopted the rule.

MR. VOIGT: Thank you.

THE PRESIDENT: What is your pleasure? If there is no objection the report will be approved and placed on file, and the president would suggest, with a resolution of appreciation for the ten years of faithful, conscientious, painstaking and earnest service of the secretary, who has done so much to make this Association what it is today. (Applause.)

MR. PAGE: You are taking great chances. I do not know whether it ought to be here and now, or not. Mr. Voigt came into the service of this Association as secretary following a man who had, I think, the highest qualifications for that position of any man that I ever saw, and that was Mr. James H. Matheny.

Mr. Voigt entered reluctantly upon the performance of the service, which appeared to him to be a difficult one. He felt, at the time his friends undertook to persuade him to take the position, that he ought not to give the time to it. They told him he ought not to go into it unless he could stay four or five years, but with that conscientiousness, with that thoroughness with which he had done things, he has stayed with us ten years. I do not think any sort of a resolution could adequately express the debt of the Association to Mr. Voigt for the efforts he has made in its behalf, but I do ask, here and now, and move that as a slight expression of our appreciation, we all stand up. (Applause.)

(All in the room rose.)

THE PRESIDENT: The resolution is unanimously adopted by a rising vote.

The report of the treasurer: Mr. Voigt.

MR. VOIGT: Mr. President and Gentlemen. I hold the report of the treasurer in my hand. It covers fifty pages of single space typewritten matter. It has been referred to Barrow, Wade & Guthrie, Certified Public Accountants, who have made their report on it.

The treasurer's report shows that during the year we have collected \$13,567.66, which, it is needless to say, is the largest amount of money we have ever collected in any one year. The report also shows that we have expended \$10,941.12, which is the largest amount we have ever expended in any one year. There is a balance in the bank to the account of the secretary-treasurer, of \$2,624.54

I move the report, and the report of the certified public accounts, be referred to the Committee on Audit.

Illinois State Bar Association,
Chicago, Illinois.

DEAR SIRS:

We have audited the cash records of the Secretary-Treasurer of the Illinois State Bar Association for the year ending 31st May, 1916, and submit herewith a classification of the receipts and disbursements of cash for that period.

All recorded receipts have been deposited in the National Bank of Mattoon, Illinois, to the credit of the Association. Satisfactory vouchers were produced for all disbursements. The balance disclosed by the books as on hand at 31st May, 1916 is in agreement with a certificate from the bank.

The limited time at our disposal did not permit a complete verification of the membership roster nor a reconciliation of that book with the cash records with a view of ascertaining and confirming the amounts due from members and uncollected at 31st May, 1916.

Yours respectfully,

BARROW, WADE, GUTHRIE & Co.

RECEIPTS AND DISBURSEMENTS

Year ending 31st May, 1916.

BALANCE—1st June, 1915.....		\$2,120.55
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Receipts

MEMBERSHIP FEES COLLECTED:

Applications dated prior to 31st May, 1915—

69 @ \$5.00	\$ 345.00	
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Applications dated after 31st May, 1915—

115 @ \$5.00	575.00	920.00
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DUES COLLECTED:

Applicable to current year.....	3,243.00	
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Dues from previous year.....	1,126.00	
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Dues paid in advance.....	29.00	4,398.00
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SALE OF 1915 REPORT.....		1.00
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UNIDENTIFIED BANK DEPOSIT.....		3.00
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BANQUETS AND DINNERS:

29th December, 1915—Deans and Professors
of Law—

Ticket Sales	1,367.26
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Less—Expenses	853.93
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Net Proceeds		513.33
29th April, 1916—Roosevelt Banquet—		
Ticket Sales	4,263.00	
Less—Expenses	2,812.71	
Net Proceeds		1,450.29
		9,406.17
<i>Disbursements</i>		
PRINTING, STATIONERY, FORM LETTERS, ETC.....	916.32	
POSTAGE	303.50	
STENOGRAPHIC AND REPORTING SERVICES.....	330.55	
ANNUAL MEETING 1915.....	502.81	
BADGES—1916	76.86	
COMPILING AND PRINTING 1915 REPORT.....	1,716.47	
OFFICERS TRAVELING EXPENSES	109.76	
PRINTING STATE BAR BULLETINS.....	130.91	
SALARY—M. A. Rustin	120.00	
SALARY—Secretary-Treasurer to 31st Dec. 1915.	250.00	
COMMITTEE EXPENSES:		
Membership	\$ 45.10	
Legislation and Law Reform.....	21.76	
Grievance	51.75	
Executive	5.45	
Schedule of Fees.....	70.91	194.97
TELEGRAMS	33.28	
REFUNDS OF APPLICATION FEES, ETC.....	13.00	
BROWN & PRUITT—Stenographer, postage, etc...	91.27	
BANQUETS AND DINNERS:		
Barrett Dinner—Expenses.....	424.77	
Less—Ticket Sales	124.00	
Deficit		300.77
Senator Burton Dinner:		
Expenses	693.75	
Less—Ticket Sales	323.00	370.75
DINNER AND OTHER ENTERTAINMENT EXPENSES:		
Illinois Supreme Court.....	1,293.01	
SUNDRY EXPENSES	22.40	6,776.63
BALANCE ON HAND—31st May, 1916		\$2,629.54

THE PRESIDENT: If there is no objection that will be done. It is referred to the Committee on Audit and Expenses.

The next item on the programme is the report of the Committee on New Members, by Mr. Bruce A. Campbell.

The report is as follows:

June 1, 1916.

To the President and Members of the Illinois State Bar Association:

Your Committee on New Members begs leave to submit the following report:

The organization of the Committee this year was on different lines than before. A general committee was appointed consisting of a chairman selected from the State at Large and one member from each Supreme Court District. The member from each district was in turn chairman of a District Committee composed of members residing in his district.

The work in Chicago was turned over to the chairman of the Seventh District while the chairman of the General Committee took charge of the work down State.

We succeeded in obtaining a mailing list of nearly three thousand (3,000) lawyers residing outside of Cook County and who were not members of the Association. On March 10th we sent to each lawyer upon this list a letter calling attention to the benefits to be derived from membership. At the same time we sent each of these persons a blank application card and requested that the same be filled out, signed and sent to the chairman. The same day we sent a letter to each down state member of the Association calling attention to our letter of even date to non-members and asking them to strike while the iron was hot and secure applications.

On May 16th we again wrote each non-member enclosing an application card and again asking for an application. A similar campaign was inaugurated by Mr. Kehoe and his committee in Cook County.

The results have been somewhat discouraging. In the first place we received practically no help from the members of the Association in securing applications. In the second place, the field has been pretty much worked in the past. However, there are nearly 3,000 lawyers in Illinois, outside of Chicago, who are not members and whose names have been placed upon our mailing list as worthy of membership. We recommend that the work be continued vigorously during succeeding years.

The secretary of the Association aided us materially during the year by sending to the names upon our mailing list pamphlets issued by the Association and enclosing therein application cards and upon

one or two occasions letters or literature, inviting membership in the Association.

The results of our efforts and of those who have aided us are as follows:

Total new members from Chicago during year.....	46
Total new members outside of Chicago during year.....	101

Total new members from entire state during year..... 147

Respectively submitted,

ERNEST L. KRAEMER, Chicago,

Chairman.

MR. CAMPBELL: We have not been able to get the exact details of the number of new members from Chicago and outside of Chicago; I might add that we have received approximately 150 applications from outside of Chicago and that we hope, before this meeting ends, to get the number up to probably 160 or 170 new applications for the year. We therefore ask leave, Mr. President, that when the exact details come in as to the number of members, to fill out these blanks, that they may be inserted in the report. And with those corrections, when made, we respectfully submit this as our report and move its adoption.

THE PRESIDENT: Gentlemen, you have heard the motion. This will carry with it the recommendations contained therein.

The motion was seconded and carried.

The next item of business will be the report of the Programme Committee, by Mr. Frederick A. Brown, Chairman.

The report is as follows:

REPORT OF PROGRAMME COMMITTEE.

To the Illinois State Bar Association and Nathan William MacChesney, President:—

Your Programme Committee respectfully reports that during the last year there have been held five meetings of this Association. All these were held in the Hotel LaSalle in Chicago and included a banquet to the guests of honor.

The first meeting was that given in honor of the Justices of the Supreme Court of Illinois on November 6th, and the programme was as follows:—

INVOCATION.

REVEREND ALEXANDER ALISON, JR.

* * *

AFTER DINNER.

TOASTMASTER.

NATHAN WILLIAM MACCHESNEY.

President of the Association.

"The Bar".....EDGAR A. BANCROFT

"The Trial Court".....JUDGE CLYDE E. STONE

(Of the Peoria County Court)

"The Supreme Court".....MR. JUSTICE COOKE

"The Illinois State Bar Association".....HORACE KENT TENNEY

The second meeting was given in honor of the Deans and Professors of Law attending the Fifteenth Annual Meeting of the Association of American Law Schools, on December 29th, 1915, and the programme was as follows:—

PROGRAMME.

ToastmasterNATHAN WILLIAM MACCHESNEY

InvocationBISHOP WILLIAM F. McDOWELL

WelcomeCHARLES S. CUTTING

(President, Chicago Bar Association)

ResponseDEAN H. S. RICHARDS

(President, Ass'n of American Law Schools)

AddressWILLIAM DRAPER LEWIS

(University of Pennsylvania)

AddressW. R. VANCE

(Dean, University of Minnesota Law School)

"White Paper and Black Lies".....JAMES KEELEY

(Publisher and Editor Chicago Herald)

AddressEDWARD H. WARREN

(Harvard University Law School)

AddressFREDERICK C. WOODWARD

(Dean, Leland Stanford Law School)

The third meeting was given in honor of John Barrett, Director General, Pan-American Union who spoke on the subject: "Pan-Americanism and the Monroe Doctrine," on February 19th, 1916, and the programme was as follows:

INVOCATION.

REVEREND EDMUND BYRNES.

* * *

AFTER DINNER.

Introduction.....NATHAN WILLIAM MACCHESNEY
(President of the Association)

"Pan-Americanism and the Monroe Doctrine". HONORABLE JOHN BARRETT

The fourth meeting was given in honor of Theodore Burton, former Senator of the United States from Ohio. He spoke on "Distinctive Political Tendencies of the Time," and the programme was as follows:

INVOCATION.

BISHOP SAMUEL FALLOWS.

* * *

AFTER DINNER.

Introduction.....NATHAN WILLIAM MACCHESNEY
(President of the Association)

"Distinctive Political Tendencies of the Time"

HONORABLE THEODORE E. BURTON

The fifth meeting was given on April 29th in honor of Theodore Roosevelt, who spoke on the subject of "International Duty and American Ideals." The programme was as follows:

INVOCATION.

REVEREND JOHN TIMOTHY STONE, D. D.

* * *

AFTER DINNER.

IntroductionNATHAN WILLIAM MACCHESNEY
(President of the Association)

"International Duty and American Ideals"

COLONEL THEODORE ROOSEVELT

All of these meetings were attended by lawyers from all parts of the State, the average attendance being about 590.

Respectfully submitted,

CHESTER G. VERNIER,

CHARLES J. O'CONNOR,

LESTER H. STRAWN,

FREDERICK P. VOSE,

A. D. RODENBERG,

GEORGE T. BUCKINGHAM,

GEORGE A. CROW,

RUSH C. BUTLER,

FREDERICK A. BROWN, Chairman.

MR. BROWN: Mr. President: I move the adoption of the report.

The motion was seconded and adopted.

The report of the Committee on Revision of Constitution and By-laws of the Association, by Mr. Frederick A. Brown, Chairman:

**REPORT OF THE COMMITTEE ON REVISION OF CONSTITUTION
AND BY-LAWS OF THE ASSOCIATION.**

To the President, Board of Governors and the Illinois State Bar Association:

Your committee respectfully reports that during the past year, it has caused to be incorporated the Association under the laws of the State of Illinois of Corporations Not for Profit.

Your committee further reports that it has drawn and had approved by the Board of Governors the by-laws of the Association, which consolidate in a large measure all of the previous constitution and by-laws of the Association not contained in its charter.

Respectfully submitted,

WILLIAM R. CURBAN,
EDGAR A. BANCROFT,
HARRY HIGBEE,
HORACE K. TENNEY,
ROBERT MCMURDY,
ALBERT D. EARLY,
ROGER SHERMAN,
WALTER M. PROVINE,
FREDERICK A. BROWN, Chairman.

MR. FREDERICK A. BROWN: The Committee on Constitution and By-laws has also been rather active this year. The Association has become incorporated this year under the incorporation laws of the State of Illinois, not for profit, and the by-laws and constitution of the Association were worked over and formed into by-laws alone. All of the regulations of the Association have remained practically as set out in the constitution and by-laws with which you are all very familiar. There were one or two changes, however, made. One was, we changed the name of the Executive Committee to the Board of Governors, and we made them elective instead of appointed by the president. A provision was made also for an official assistant secretary, who is to have an office at Spring-

field, Illinois, where the permanent headquarters of the Association have been established, in a room at the Leland Hotel, and there at all times will be a paid assistant secretary of the Association. And I will say, in passing, that it is expected that all lawyers of the State going to Springfield will make that their headquarters.

While we are on the subject,—we also have a branch headquarters here at the La Salle Hotel in Chicago, where lawyers of the State are also at all times welcome.

I move the adoption of the report.

The motion was seconded and carried.

The report of the Committee on Permanent Headquarters at Springfield, Mr. George H. Wilson:

CHICAGO, March 14, 1916.

To the Executive Committee. Illinois State Bar Association:

GENTLEMEN:—The committee appointed to secure headquarters for the Association at the Leland Hotel, Springfield, beg to report that on March 4, 1916, the two members of the committee met at the Leland Hotel in Springfield and arranged with Mr. Allen, manager of the Leland Hotel, for the use of Room 204 Leland Hotel for the Springfield headquarters of the Illinois State Bar Association.

The room is to be furnished to the Association free of charge, which is to be confirmed by letter from Mr. Allen. The committee also requested Mr. Allen to hang up on the chandelier in the hallway of the second floor, opposite the elevator, an appropriate sign bearing the words, "Headquarters Illinois State Bar Association, Room 204."

The room is of ordinary size and the committee believes will answer the purpose in a very satisfactory manner.

Respectfully submitted,

JOHN F. VOIGT,

GEO. H. WILSON.

MR. GEORGE H. WILSON: The last report rather overlaps the report of this committee. But I might say that the Committee on Permanent Headquarters has secured room 204, at the Leland Hotel, and if Mr. Brown did not say so, it is furnished by the management of the hotel without charge to the Association. The committee has purchased a fine roll top mahogany desk, which we hope will not be deemed an extravagance, and other furniture of

the same character. The hotel people have put in some additional chairs. It is the idea that whenever members of the bar have business at Springfield they shall as freely use these headquarters as if they were in their own offices. A very brief report is on the last page of the compilation here.

I move the adoption of the report.

The motion was seconded and passed.

The report of the Committee on Special Train to the 1915 American Bar Association Meeting, by Mr. Charles J. O'Connor. Mr. Sherman, will you call attention, please, to the items of the report?

The report was read as follows:

**REPORT SPECIAL TRAIN COMMITTEE FOR THE MEETING OF
THE AMERICAN BAR ASSOCIATION AT SALT LAKE CITY.**

Illinois State Bar Association:

The Committee on Special Train to 1915 American Bar Association Meeting, respectfully reports that it arranged for a train leaving Chicago, August 13, 1915, over the Chicago, Burlington & Quincy Railway, and the Denver, Rio Grande and Western Pacific Railroads, which train was called the "Illinois Bar Association Special."

The party was joined by many of the most eminent lawyers from the Eastern and Southern States. At Denver and Colorado Springs stops were made of sufficient length to allow all who desired, a sight-seeing trip, of which opportunity practically every member of the party availed himself. At Salt Lake City our special train was met by our President, Colonel Nathan William MacChesney, who had provided automobiles for the party from the train to the American Bar Association headquarters.

Many of our party, after the annual meeting of the American Bar Association had adjourned, made the trip to the Panama Pacific International Exposition at San Francisco, availing themselves of arrangements made by our committee with the Nevada State Bar Association and the California Bar Association. The California Bar Association had a three days session at San Francisco during our stay there. Among the enjoyable entertainments was a boat trip on San Francisco Bay and a luncheon at Old Faithful Inn on the Exposition grounds.

The delightful acquaintanceship formed on the Special from Chicago to Salt Lake City, made the trip to the Coast and home by the Canadian Pacific more pleasant. A smile, a nod or a wave of the

hand on the Exposition grounds, or in Portland, Seattle, Vancouver, Victoria, Banff, Glacier and Lake Louise, which was bound to occur, with so many friends going about the same line of travel, was an added pleasure to the keen relish such complete change of scenery gave us.

Respectfully submitted,

CHARLES J. O'CONNOR,
Chairman.

RAY S. ANDERSON,
E. BENTLEY HAMILTON,
HENRY R. BALDWIN,
OLIVER A. HARKER,
BRUCE A. CAMPBELL,
JOHN T. RICHARDS,
JAMES H. MATHENY.

MR. ROGER SHERMAN: I move the adoption of the report.
The motion was seconded and passed.

THE PRESIDENT: The secretary will present the report of
Mr. R. Allan Stephens upon Organization.

The report is as follows:

REPORT OF THE COMMITTEE ON ORGANIZATION.

To the President and Members of the Illinois State Bar Association:

Our report for this year is one of disappointment but at the same time one of hope for the future. We started out the year with the plan in view of holding a district meeting in each one of the seven districts of the state, but we regret that we are able to report but one meeting. However, the meeting was such a success and the organization in the third district has met with such approval among the attorneys in attendance that we feel the next year the committee will be able to complete an organization throughout the state.

The meeting in the third district was held at Decatur, February 4th, and was attended by about thirty per cent of all the practicing attorneys of that district. In point of attendance it was a larger meeting than some of the recent annual meetings of the State Bar Association and the interest taken in the discussions by the various lawyers demonstrated that the rank and file can be interested in an organization when the matter is properly presented to them.

The great difficulty in perfecting these organizations is the lack of time on the part of the various members of the committee to carry on the detail work of advertising and arranging for these meetings. To obtain proper publicity requires the compilation of a mailing list

and addressing two or three different circular letters to each individual attorney in addition to following up the local Bar Associations to see them elect their delegates. This method was carried out in the third district, but owing to the amount of time and work required could not be carried out in all of the districts this year.

The American Bar Association at present time is considering the organization matter from a national standpoint in the same way we are trying to organize our State. With proper cooperation from the administrative officers from the State Bar Association, there is no reason why we can not perfect a complete organization of the local bar association.

To this end this committee respectfully recommends that the incoming Organization Committee be authorized to arrange for federation meetings in each of the seven districts of our State during the coming year with the understanding and assurance that the detail work of arranging the program and advertising the meetings will be done by the secretary's office force and that as many of the officers of the State Bar Association will attend each of these district meetings as possible.

Respectfully submitted,

R. ALLAN STEPHENS,

Chairman.

THE PRESIDENT: What will you do with the report?

MR. FRANKLIN L. VELDE: I move it be approved.

The motion was seconded and passed.

THE PRESIDENT: The secretary will read the report of the Committee on Grievances, Mr. Delbert A. Clithero, Chairman.

The report is as follows:

REPORT OF COMMITTEE ON GRIEVANCES.

To the President and Board of Managers of the Illinois State Bar Association:

GENTLEMEN:

Your Committee on Grievances respectfully reports as follows:

In accordance with the resolution adopted at the last annual meeting, a General Committee on Grievances was appointed by your President and Executive Committee, consisting of the undersigned as Chairman, and Albert Watson, Mt. Vernon; William B. Wright, Effingham; F. L. Hatch, Springfield; Charles J. Scofield, Carthage; Clarence B. Chapman, Ottawa; Henry S. Dixon, Dixon; Cecil Page,

Chicago; and in addition thereto seven sub-committees, one in each Supreme Court District, were created as follows:

1st. Supreme Court District Committee: Albert Watson, chairman, Mt. Vernon; David S. Lansden, Cairo; John M. Herbert, Murphysboro; P. J. Kolb, Mt. Carmel; Charles K. Roedel, Shawneetown.

2nd. Supreme Court District Committee: William B. Wright, chairman, Effingham; William P. Early, Edwardsville; George W. Lackay, Lawrenceville; John J. Bundy, Centralia; R. S. Rowland, Olney.

3rd. Supreme Court District Committee: F. L. Hatch, chairman, Springfield; Jesse L. Dock, Decatur; A. L. Anderson, Lincoln; Louis A. Busch, Champaign; J. W. Kessler, Danville.

4th. Supreme Court District Committee: Charles J. Scofield, chairman, Carthage; Floyd E. Thompson, Rock Island; L. Watson, Aledo; Philip E. Elting, Macomb; John J. Leeve, Jacksonville.

5th. Supreme Court District Committee: Clarence B. Chapman, chairman, Ottawa; Armor Moreland, Galesburg; John M. Elliott, Peoria; Chester M. Turner, Cambridge; Cairo A. Trimbull, Princeton.

6th. Supreme Court District Committee: Henry S. Dixon, chairman, Dixon; John M. Stager, Sterling; Thomas J. Sheehan, Galena; Robert S. Egan, Elgin; Bruce H. Garrett, Rockford.

7th. Supreme Court District Committee: Cecil Page, chairman, Chicago; Charles H. King, Waukegan; James L. O'Donnell, Joliet; Alexis L. Granger, Kankakee; John L. Fogle, Chicago.

Shortly after their appointment the members of the General Grievance Committee met and adopted rules of procedure to govern the filing and hearing of complaints, same with subsequent modifications being as follows:

All complaints must be prepared in duplicate, in narrative form, stating in detail the facts and circumstances of the complaint, and must be verified and filed with the chairman of the general committee.

If the complaint shows a *prima facie* case for investigation, it shall be referred to the District Committee for the District in which the accused attorney resides.

The chairman of the District Committee shall send a copy of the complaint to the accused and request him to file, in duplicate, a verified answer within a short time, the date to be fixed.

Upon filing of the answer the chairman of the District Committee shall send a copy to the complaining witness and request a verified replication, in duplicate.

If new matter is set up in the replication a copy shall be sent to the accused with a request for an additional answer within a short day.

This procedure will be followed until an issue of fact is raised. The chairman of the District Committee will then set the matter down

for hearing at an early date and notify the parties to attend with their witnesses.

If there be no disputed fact the District Committee will determine the question on the pleadings.

In either case, the District Committee shall investigate and report to the General Committee as expeditiously as possible.

Any report of the District Committee to the General Committee which does not recommend proceedings in the Supreme Court will be reviewed at the next meeting of the General Committee following its reception, and such action taken by General Committee as it may determine in accordance with Article X of the By-laws of the Association.

In all cases where the District Committee reports and recommends proceedings in the Supreme Court to discipline the accused, if such report is approved by the chairman of the General Committee then such report and recommendation shall be at once submitted to the Board of Managers of the Association; but if the chairman of the General Committee does not approve the recommendation of the District Committee then such report shall be submitted to the General Committee before further action is taken thereon.

Provided, however, that in any case where a certified copy of the record showing the indictment and conviction for a felony of any attorney practicing in this State, is filed with the chairman of the General Committee he may, in his discretion, at once report the matter to the Board of Managers without any preliminary hearing or notice to such convicted attorney.

Whenever complaint is made by one not employing counsel and for any cause the complaining witness is unable to properly prepare a complaint as hereinabove outlined the chairman of the district committee for the district in which the complaining witness resides will delegate a member of his committee to communicate with the complaining witness and draft the complaint in proper form.

There have been a large number of complaints received which have been referred for hearing to the district committees in accordance with the residence of the parties. A number of hearings before the various district committees have been heard and report thereon duly made to the general committee. The general committee has had four meetings to consider special reports from district committees on matters heard by the respective committees.

The enlarged jurisdiction of the committee conferred at the annual meeting of 1914, in accordance with which the committee was authorized to make investigations and take action in the way of reprimanding or otherwise, where cases did not involve such grave matters as would warrant the filing of Informations for Disbarment, has resulted in good, and through such jurisdiction your Committee on Grievances believes it has been enabled to quicken the consciences

of certain lawyers of the State, thereby inducing them to keep their actions within the ethics of the profession.

Definite action in the Supreme Court has been taken in only two cases.

A recommendation was made to the Board of Managers that an Information for Disbarment be filed against Thomas I. Galloway, of Benton, Franklin County, Illinois, on charges heard by the 1st District Committee and reported to the General Committee. The Board of Managers authorized this Committee to employ counsel and proceed in the matter. Mr. John L. Fogle, of Chicago, was retained to represent this Committee and an Information for Disbarment was filed in this matter at the April Term, 1916. An order was entered by the Supreme Court giving leave to file this Information and a rule was entered on the respondent to answer the same on or before the 1st day of the June Term, 1916. Service has been secured on the respondent and the matter will be conducted under the direction of this Committee to a conclusion.

The attention of the Committee was called to the conviction of Bert S. Duzan, of Oregon, Ogle County, convicted in the 6th District of obtaining money by false pretenses. The matter was referred to the district committee which at that time had pending before it other charges against said Duzan. During appeal to the Supreme Court by Duzan the district committee held the charge in abeyance, and upon affirmance of the conviction said Duzan signed a resignation or motion to strike his name from the roll, which was filed by the State's Attorney of the County in which he was convicted, in the Clerk's office of the Supreme Court and same will be presented to the Supreme Court at the June Term, 1916..

The attention of the General Committee has just been called to the case of Fred G. White, of Pontiac, Livingston County, Illinois, who it appears was convicted of forgery in 1914 and served eleven months in the penitentiary. It further appears that on or about March 1, 1916, said White opened a law office in Pontiac and is attempting to re-engage in the practice of law. The matter is under investigation at the time of the preparation of this report, but will be acted upon by your Committee, it is hoped, before the annual meeting.

In accordance with what is considered the better practice, no report is made by your Committee with reference to matters which were investigated by the various District Committees or the General Committee and upon which action in court has not been taken and is not contemplated. There have been a number of such cases heard in which lawyers involved were reprimanded by the Committee.

Your Committee urges upon the members of the Association the necessity of reporting to the Grievance Committee any cases of conviction of crime of any lawyer admitted to practice in this State.

Such convictions have occurred and remained unknown to this and past committees, although in all probability well known to lawyers in the community where the conviction was secured. As the result it is only after many years from the date of the conviction, when the ex-convict attempts to re-engage in the practice, that the matter is brought to the attention of the State Bar Association, thus increasing the difficulty of the committee in securing the disbarment of the offending lawyer. Your Committee is strongly of the opinion that convicted felons should not be permitted ever to engage in the practice of law in this State, as the standing of the entire membership of the Bar is thereby lowered and practitioners who endeavor to comply with the ethics of the profession and by their efforts to raise the standard of the practice are placed on the same level with one who has been judicially found to be such an unfit member of society as to render his incarceration in a penal institution necessary.

There have been occasions upon which it was impossible for the General Committee to secure the District Committee's investigation of cases arising in a particular district, and it seems necessary that, in addition to the other powers conferred upon the chairman of the General Committee, he should have authority to appoint special members of particular District Committees to serve in particular cases or for short periods, or to create a Special Committee to hear a particular matter, which might otherwise have to be neglected.

The work of the Committee, by reason of the division into districts, the increasing number of complaints, and of course because of the necessarily wide distribution of the work over the State, has been handicapped because no permanent records are kept and no permanent office is maintained from which the work of the Committee can be handled. Also, the burden of hearing complaints in the first instances, making preliminary investigation to determine whether they are proper to be submitted for hearing to the District Committees, together with considerable unnecessary labor and expense, is placed upon the Chairman, all of which facts impell your Committee to make the suggestion in regard thereto which appears in the appended recommendations.

Your Committee in conclusion makes the following recommendations:

1. That power be conferred on the Chairman of the General Committee to appoint special committees to hear particular matters where the necessity therefor satisfactorily appears.
2. That the Chairman of the General Committee have power to fill vacancies on District Committees should any occur during the year for which he is appointed.
3. That an attorney be employed on a plan to be worked out by the Committee, to have general charge of matters under investigation, to act as secretary of the General Committee, present the cases to the

Supreme Court, keep a permanent record of all matters brought to the attention of the Committee, and perform such other services as are necessary to effective work.

4. That members of the Association and Judges of the courts of record throughout the State, as well as members of the profession generally, be invited to call the attention of the Committee to all cases coming to their knowledge of infractions of the code of professional ethics, and especially to cases of indictments and convictions of attorneys in this State.

Respectfully submitted,

DELBERT A. CLITHERO,
Chairman.

THE PRESIDENT: Gentlemen, you have heard the report of the Grievance Committee. Since that report was prepared the committee has acted upon the case of Fred G. White, and has recommended his disbarment. The recommendation has been approved by the Board of Governors, and your president signed the information this morning. What will you do with the report?

May I call your attention to recommendation number 3, on page 21. It was thought by the Board of Governors that instead of it appearing in that form, that it should be changed to read: "That the Association recommend to the Board of Governors that it consider whether or not an attorney should be employed," and so forth, because it is desired to have that work in with the plan for a permanent secretary at Springfield.

MR. E. P. WILLIAMS: I move the amendment and the report be adopted.

The motion was seconded and passed.

THE PRESIDENT: Gentlemen of the Association: The by-laws provide that the president shall read annually an address upon some question of interest particularly to the lawyers of the State. I have taken leave to print and have endeavored to develop rather more completely for the purpose of the printed address, the subjects which I propose to cover, or attempt to cover, in what I say this morning, and I will be glad if those of you who are interested in the subject will refer to the various authorities for what I have to say.

It has seemed to me at this time that this country is particularly interested in developing, in some manner consistent with the

spirit of its institutions, a higher efficiency than has characterized it in the past, and the question naturally arises whether we are efficient, and if we are not, the reasons for it and what can be done to bring about a higher degree of efficiency without sacrificing too much for it. That is the underlying problem which I have attempted to discuss.

I see in the hall, Mr. Walter George Smith, of the Philadelphia, Bar, I want to introduce him. Mr. Smith, will you take a seat on the platform, please?

Will all the former presidents of the Association do me the honor also to take their seats upon the platform during the reading of the President's Address?

(Thereupon Nathan William MacChesney delivered the address of the president, which will be found in Part II herein.)

MR. GEORGE H. WILSON: I move that the recommendations in the president's address, for action tending towards uniformity of State laws, be concurred in.

The motion was seconded.

THE PRESIDENT: May I add, that it be referred to the Board of Governors for action to carry them out? With that amendment I will take the liberty of putting the motion. As many as are in favor of the motion, signify it by saying aye. Opposed, no. The motion is carried.

Whereupon a recess was taken until two o'clock P. M.

AFTERNOON SESSION.

The Association reconvened at two o'clock P. M.

THE PRESIDENT: The Association will be in order, gentlemen.

Some ten years ago it was my pleasure to have been appointed a member of the National Conference of Commissioners on Uniform State Laws, and when I went to its sessions I became acquainted with a man whom I afterwards found out was known to every one at home, as I got to know him later, as not only a distinguished lawyer, but a man of very scholarly parts, in fact one who did not accept necessarily the current views, but one who thought them through; knew why they were and how they ought to be changed, and I count it a great privilege, in times like these,

when thoughtful study of these questions is required more than ever, to have with us today the Hon. Walter George Smith, of the Philadelphia bar, former President of the National Conference of Commissioners on Uniform State Laws, who will speak to us this afternoon on the question of Legislative Tendencies. (Applause.)

Mr. Roger Sherman was called to the chair.

The address will be found in Part II.

THE CHAIR: I am sure the Association is under great obligations to Mr. Smith for coming so far from home and delivering so able an address. The Chair will now recognize Mr. Thomas Worthington, of Jacksonville. (Applause.)

MR. THOMAS WORTHINGTON: . Mr. Chairman, and Gentlemen: At the meeting of the Morgan County Bar, at which I was requested to represent them before this gathering, the question that is now before you was presented and suggestions were asked for. The only suggestion made was by one of the elder members of the bar, that the rule in Shelley's case should be abolished. And I fully agree with that gentleman. I promised him that I would make it the subject of perhaps everything that I should say on this occasion.

I am not going to deliver a lecture on the rule in Shelly's case before a body of gentlemen who are supposed to know at least as much about it as I do, and probably a great deal more. I am not going to say anything about the origin of the rule, except as its origin may have something to do with the question of the continuance of the rule.

We were early taught that law is or should be based upon reason, and that there is some reason back of all law. I tried to think what reason there is back of the rule in Shelly's case which says that a man shall not, under certain conditions, dispose of his property as he wishes; which says that courts shall absolutely ignore his expressed will, as they have done, in many instances.

Now, without tiring you with a historic review, and admitting that the authorities are greatly at variance as to the reason for this ancient rule, I think the best reason, and perhaps the true one is to be found in this fact, which is a historic fact: That prior to

1430 there could be no valid contingent remainder as to real estate, and the courts, in their desire to preserve property in families, devised this rule, which was announced more than one hundred years before that date, in substantially the same form that we have it now, not precisely, but substantially, and they evolved this rule by which, if property were given to A for life and remainder to his heirs generally, or heirs of his body, then A got the whole thing, and the devise or conveyance as it might be, was not void, the estate was preserved to the family. If that was the reason it was a fairly good reason and we have no criticism of those judges who adopted the rule. But the rule too long exists, and in my humble judgment there is no reason why it should longer cumber our law books and be a rule of property as it is today in the State of Illinois.

For the purpose of ascertaining to what extent the rule is still observed in this country, I glanced hastily at some of the books. I knew it had been abolished in a good many states, and the latest work at my command was an edition of Washburn on Real Property, published in 1902. So you see I am not giving you very recent information. But I was somewhat surprised to find, and unless you have looked into the subject possibly you may be, that even at that date nineteen states of the Union had abolished the rule absolutely, and six more had abolished it as to wills. As early as 1882 both Massachusetts and Michigan abolished the rule; Maine in 1883, Connecticut in 1888. Now these are absolute. And so on down until nineteen of them had acted, as late as 1899, and six more, as I said, had abolished the rule so far as wills are concerned. I am aware that some other states have abolished the rule since, but just which they are I can't tell you.

This is about all I have to say about the rule in Shelly's case. I think the proper authorities of this Bar Association should recommend that the rule should be abolished in the State of Illinois.

Just one other word. There is another ancient rule which I think should be abolished, and that is the rule that juries should be judges of the law as well as of the fact. There was a reason for that rule once, when the subject was oppressed by the sovereign,

when the people were not the sovereign, and the rights of the people needed protection. That reason does not exist in this country and the rule should not exist I think. I think it is a disgrace to our legislation that such a rule should still cumber our laws.

I thank you. (Applause.)

THE CHAIR: The Chair will now recognize Mr. H. S. Hicks, of Rockford.

MR. H. S. HICKS: In ten minutes it is absolutely impossible to cover hardly any of the many changes which ought to be made in the substantive law of this State. I wish, however, in the short space of time that I will occupy your attention, to call your attention to only a few of what I consider the more important changes that should be made.

Several years ago, at the instance of some pot-house politician coming, I believe, from Cook County, the State legislature amended our administration act in such a way that a non-resident heir could not come into the State of Illinois and nominate an administrator of an estate to which he was heir. That, I understood, was done for the benefit of the then Public Administrator of Cook County, and has resulted in a job which is estimated to be worth practically \$100,000 per year. However, it is absolutely absurd. I live in Rockford, on the northern boundary of the State of Illinois. A woman comes into my office; she says: "I live in Beloit, Wisconsin, my father has just died here in Rockford. I am his only heir. I have moved to Beloit and am now residing there, and I desire to have his business associate nominated as administrator of his estate." And you have to shake your head and say that you are very sorry, but that under the law of Illinois it can not be done, and that administration must go to the Public Administrator. It is absurd. And that, in my opinion, is one of the things that should be changed, and changed right away, in the law of this State.

A few weeks ago one of the clever, bright young lawyers of the City of Rockford came to my house one evening and I suggested to him that I hoped that the tax amendment would have a good vote in Winnebago County in November. And he said, "What tax amendment are you talking about?" Mind you, there was a bright, clever young lawyer of the City of Rockford, well informed in

public affairs who did not even know that the legislature had submitted to the people of this State an amendment to the constitution touching taxation. Now if he did not know it, what about the man on the street, the average business man? Next November, when we go to vote we will see on the ballot an amendment submitted for our adoption or rejection, to our constitution. And the average voter who goes to the booth to vote will not know what it means and he will stay off, and in all probability that amendment will lose because of the fact that it must have a majority of all votes cast at the election.

Now why do we need it? I live in Winnebago County; we have 63,000 people in Winnebago County. In Cook County you have two and a half millions, but if you will look at the report of the State Board of Equalization for last year you will see that Winnebago County, with its 63,000 people, paid on mortgages on the assessed value of \$2,700,000; and then you turn to Cook County and you find that Cook County paid on \$2,400,000. Now think of that, gentlemen! Sixty-three thousand people in Winnebago County paying \$300,000 more assessed valuation on mortgage loans than in Cook County! There is something absolutely wrong with our system of taxation in this State, absolutely wrong. And this amendment, if it is passed, will open the door,—partly open the door for the legislature, and give them a chance to place mortgages at least on a recording tax basis. (Applause.)

There are absurd inequalities in our taxation law in the counties throughout the State. I made a little study of the assessed valuation in my own county some time ago. We have sixteen townships. I found that land in one township was being assessed at \$11.45 an acre, and land in a neighboring township being assessed at an average value of \$30; horses in one township assessed at \$65, and horses in a neighboring township were being assessed at \$115. And so it goes. An absurd inequality between townships lying side by side. Now why is it? It is because, my friends, that we try to "unscramble the eggs" after they have become mixed. The thing that this State should do, in my opinion, would be to make some helpful legislation to prevent the eggs from being scrambled. That, in my opinion, rests in a State Tax

Commission and not with the State Board of Equalization, which has not made a success of "unscrambling the eggs."

I believe the legislature should provide some more helpful, some more up-to-date means for assessment of property. Why, do you know that the total assessed valuation of all personal property in the State of Illinois, is \$1,500,000,000 full valuation, in the entire State of Illinois, of all classes of personal property, of every kind and nature? But did you know that there was \$1,500,000,000 on deposit in the banks of the City of Chicago alone? If you assess only the deposits in the banks of the City of Chicago, State, National and Trust companies, you would have a total personal property assessment in the State of Illinois as great as the entire personality of the State, all over, from Cairo to Rockford, and from Chicago to Rock Island.

What is the reason? The reason is that all the while, every year, that class of property which can not be concealed, real estate, stocks of goods, herds of cattle, the thing that you can not hide from the assessor, is taxed, and the thing that you can hide, the mortgage, the stock, the bond, the note, is not assessed because it is hidden, and you and I and the rest of us lie about it and perjure ourselves. (Applause.)

There is another change in the substantive law of this State which I think is deserving of your attention. The next president of this organization, Mr. Early, very carefully and very conscientiously, and with a lot of hard work, has re-written the law pertaining to sales under judgments and decrees. Now all of you practicing lawyers know this to be the fact that every time a piece of property goes to sale under judgment or decree it is a bogus sale. And why is it a bogus sale? Simply because the man who goes to bid upon that property knows that anybody can come along who represents the debtor and redeem that property, pay him his money back, and he has simply had an investment of six percent, or possibly five. Now Mr. Early's plan is to have the sale after the period of redemption has run. And if we do that, gentlemen, we will then have a sale which will be a real sale and it will be of benefit to the debtor and of benefit to the general public. I wish this organization would get back of this bill of Mr. Early's, and I

hope the next legislature will see its way clear to make it a part of the law of this State.

I thank you. (Applause.)

THE CHAIR: The next speaker is Mr. William L. Patton, of Springfield.

MR. WILLIAM L. PATTON: Gentlemen, I am not familiar with the Early bill on amending the judgment and decree act, spoken of by the last speaker. But I have, within the last few weeks, had a very pointedly painful experience with section 24 of the Act on judgments and decrees in regard to the question of redemption by a judgment creditor.

The section as it now reads, is awkward, to say the least, and I must confess to such an absence of legal astuteness that I was unable to definitely advise the sheriff of our county who came to me with a redemption question, so I took the safe side in my advice and took a neutral stand. Section 24 is as follows:

"When there are several decrees or judgment creditors, the creditor having the senior judgment or decree shall have the preference to redeem during the first two days next after the expiration of the twelve months, and the other creditors shall respectively have the preference to redeem during a like time in the order of seniority of their several judgments or decrees."

This situation presented itself to the sheriff of Sangamon County: A foreclosure sale had been held and the time for redemption by the mortgage debtor had expired. Preceding the foreclosure sale, or after the foreclosure sale, I believe, a judgment was obtained in Sangamon County on, say, the first day of November. On the second day of November a judgment obtained in Cook county two years before, was transcribed and the transcript filed in Sangamon county, and the question arose in the mind of the sheriff, and I will confess a very serious question in my mind, as to what the word "senior," in section 24, means.

Quite recently the Supreme Court has held that the question of lien is not involved in the question of redemption, it is simply a question of statutory construction, and therefore no light can be gained on the subject by priority of lien. The language in section 24 is not priority, but seniority.

There are 102, if I mistake not my early geography, counties

in the State. How many courts of record, including city courts and Federal courts there are in those various counties, I do not know. Assume that my judgment creditor desires to redeem from a foreclosure or judgment sale, he looks at the records in his own county and he finds that he has the senior judgment, so far as the records of his county are concerned, and he has the first two days in which to redeem.

The concrete instance of which I speak was that the redemption money was paid, the execution issued and certificate of redemption filed, and the next day a man comes down and claims that he had the first two days because his was the senior judgment.

Now that sheriff was in a bad fix if there had been a really acrimonious dispute between the parties. Fortunately for the sheriff and for me in the capacity of his adviser, I was able to get a stipulation out of the parties to submit the matter on a peremptory motion, and have it heard out without any rancorous dispute.

If the language of the Act is followed, before you can ascertain with any degree of certainty the two days in which your judgment creditor has a right to redeem, you must go to every other county in the State of Illinois and ascertain in each of those counties and in each court of record in those counties what is the order of seniority of the judgments, leaving it in a situation where a sheriff (let alone the inconvenience of the redeeming creditor), may be placed in a position of absolute responsibility to sit as a court of last resort in a case where he is not even immune from an action for damages, as is a judicial officer.

I should suggest that if it is not covered in the Early bill which was referred to, that two or three words be inserted in section 24 so as to make certain the meaning of the words "senior judgment."

I have no further substantive objections to the substantive law, but if an occasion of this character comes up again I will be compelled to do as I did in this case, assume a very careful, very non-committal and very neutral position. (Applause.)

President MacChesney resumed the chair.

THE PRESIDENT: I understand that the next speaker on the formal programme is trying a case in court, but he has got leave of absence for a short time and then I understand will have to go back there. When his name is mentioned it gives rise, I believe, in

the minds and hearts of the lawyers of Chicago, to two things, first, respect for his ability as a lawyer and as a public man; second, to affection for him as a man. Without taking more of your time in an introduction, I will simply present to you the Hon. William J. Calhoun, who will speak on the subject "The History of the Monroe Doctrine." (Applause.)

MR. WILLIAM J. CALHOUN: Mr. President and Gentlemen: A word of explanation is necessary. I prepared this paper for another occasion, and did not complete it. I have not been able to do anything on it since. I realize that the paper needs revision, consideration, and above all, application to modern conditions, and there is where it falls short, because I found that the most difficult phase of the question and have not had time to express my views.

The address will be found in Part II.

THE PRESIDENT: I do not need to tell Mr. Calhoun that we have all appreciated his coming here and giving us this wonderfully illuminating survey of the history and development of the Monroe Doctrine.

THE PRESIDENT: We will have the report of the Committee on Admissions. The secretary will read the report.

The report is as follows:

To the President and Members of the Illinois State Bar Association:

Your Committee on Admissions beg leave to report, pursuant to Article 6 of the By-Laws, that we have passed favorably on the applications for admission to this Association lawyers named in the attached list, 147 in number.

Respectfully submitted,

CLARENCE GRIGGS,
Chairman.

APPLICANTS FOR ADMISSION ELECTED 1915-1916.

Aby, Clark.....Galva, Ill.
Recommended by Lawrence G. Johnson, Fred H. Hand.
Allen, Ernest Howard.....105 W. Monroe St., Chicago, Ill.
Recommended by A. A. Oldfield, Charles Hughes.
Althelmer, Benj. J.....401 Otis Bldg., Chicago, Ill.
Recommended by Herman Frank, Harry J. Lurie.
Anderson, Albert C.....Charleston, Ill.
Recommended by A. A. Neal, Frank K. Dunn.

- Armitage, Elton C.....105 W. Monroe St., Chicago, Ill.
Recommended by John E. Kehoe, Geo. C. Niehmeyer.
- Arnold, Wm. P.....Robinson, Ill.
Recommended by Bruce A. Campbell, Rudolph J. Kramer.
- Angur, Wheaton.....108 S. La Salle St., Chicago, Ill.
Recommended by Thos. B. Marston, Wm. S. Carson.
- Bierer, Fred G.....1020 Walnut St., Murphysboro, Ill.
Recommended by Otis F. Glen, Robt. J. McIlvaine.
- Birkett, Clyde R.....Peoria, Ill.
Recommended by W. L. Elwood, E. D. McCabe.
- Bivans, Fannie A.....Decatur, Ill.
Recommended by W. H. Mills, Hugh Crea.
- Blumenthal, Barre.....134 S. La Salle St., Chicago, Ill.
Recommended by F. J. Wegg, Edwin K. Walker.
- Boynton, Ben. B.....Springfield, Ill.
Recommended by Bruce A. Campbell, R. J. Kramer.
- Boggs, Leaton M. C.....Peoria, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Bracken, Robt. L.....Polo, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Bradberry, P. G.....Robinson, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Brand, Robt. M.....Polo, Ill.
Recommended by Fred Zick, Bruce A. Campbell.
- Brown, Claude.....Princeton, Ill.
Recommended by W. K. Trimble, Rector C. Hitt.
- Brown, E. W.....Genoa, Ill.
Recommended by Wm. J. Fulton, G. E. Stott.
- Brown, Harry E.....Geneseo, Ill.
Recommended by John F. Voigt.
- Carr, J. E.....Johnston City, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Cavender, Harvey L.....105 W. Monroe St., Chicago, Ill.
Recommended by A. A. Oldfield, Justus Chancellor.
- Castle, J. B.....Sandwich, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Champion, E. V.....Peoria, Ill.
Recommended by E. Bentley Hamilton, Geo. W. Burton.
- Churchill, R. W.....Grays Lake, Ill.
Recommended by E. L. Clarke, Paul MacGuffin.
- Chapin, Roger E.....Springfield, Ill.
Recommended by Sidney S. Bresse, Clayton J. Barber.
- Coleman, W. Thos.....Tuscola, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Collin, B. B.....109 N. Dearborn St., Chicago, Ill.
Recommended by Joseph McInerney, Fred Rosenthal.

- Conway, James J.....Ottawa, Ill.
Recommended by John F. Voigt, Bruce A. Campbell.
- Cornwell, Willett.....1430 First Natl. Bank Bldg., Chicago, Ill.
Recommended by Henry M. Bacon, John E. Kehoe.
- Creighton, Thomas H.....Fairfield, Ill.
Recommended by Bruce A. Campbell, R. J. Kramer.
- Cummings, John H. Jr.....The Rookery, Chicago, Ill.
Recommended by John F. Voigt, Chester A. Macomic.
- Daly, Joseph D.....69 W. Washington St., Chicago, Ill.
Recommended by James J. Kelly, Charles L. Billings.
- Dibell, Charles D.....Joliet, Ill.
Recommended by John B. Fithian, Pence B. Orr.
- DeSelm, Arthur W.....Kankakee, Ill.
Recommended by John F. Voigt, John T. Richards.
- Dinsmore, Jarvis.....Sterling, Ill.
Recommended by Bruce A. Campbell, R. Allan Stephens.
- Donovan, Paul J.....Woodstock, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Downey, John W.....Joliet, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Dry, A. R.....Pinckneyville, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Dubbs, John W.....Mendota, Ill.
Recommended by C. P. Gardner, Bruce A. Campbell.
- Early, Benj. B.....Rockford, Ill.
Recommended by A. D. Early, N. Wm. MacChesney.
- Early, John848 Otis Bldg., Chicago, Ill.
Recommended by Nathan Wm. MacChesney, Harry E. Smott.
- Edwards, J. E. N.....Anna, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Ewen, Wm. R. T.....1652 Otis Bldg., Chicago, Ill.
Recommended by Frederick P. Vose, S. C. Irving.
- Fitzgerald, Robert.....Springfield, Ill.
Recommended by Adolph F. Bernard, Ralph R. Wilkin.
- Foster, Geo. K.....Bloomington, Ill.
Recommended by Sain Welty, Calvin Rayburn.
- Friedlander, Samuel.....1334 First Natl. Bank Bldg., Chicago, Ill.
Recommended by John E. Kehoe, John F. Voigt.
- Galvin, James F.....Aurora, Ill.
Recommended by Frank G. Plain, Harvey Gunsul.
- Gavin, John E.....137 S. La Salle St., Chicago, Ill.
Recommended by Mitchell D. Follansbee, Geo. F. Follansbee.
- Groff, James M.....Bridgeport, Ill.
Recommended by S. J. Gee, Phillip W. Barnes.
- Gunsul, Harvey.....Aurora, Ill.
Recommended by Robt. G. Early, John F. Voigt.

- Guinan, James J.....38 S. Dearborn St., Chicago, Ill.
Recommended by T. A. Siqueland, Edward S. Whitney.
- Harriss, Judson E.....DuQuoin, Ill.
Recommended by Bruce A. Campbell, R. J. Kramer.
- Hays, Herbert A.....Carbondale, Ill.
Recommended by Otis F. Glenn, John M. Herbert.
- Henry, Lewis.....109 N. Dearborn St., Chicago, Ill.
Recommended by John E. Kehoe, John F. Voigt.
- Herget, Roscoe.....Peoria, Ill.
Recommended by Bruce A. Campbell, R. Allan Stephens.
- Hogan, G. W.....McLeansboro, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Holl, C. E.....Greenville, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Hunt, George W.....Granville, Ill.
Recommended by John McNabb, James E. Taylor.
- Jenson, William.....4603 Broadway, Chicago, Ill.
Recommended by John F. Voigt.
- Johnson, Wm.....Rockford, Ill.
Recommended by Bruce A. Campbell, R. Allan Stephens.
- Jones, Arthur H.....1030 Lumber Exchange Bldg., Chicago, Ill.
Recommended by John F. Voigt, Rector C. Hitt.
- Kaiser, Wm. E.....105 W. Monroe St., Chicago, Ill.
Recommended by A. A. Oldfield, Justus Chancellor.
- Kasserman, John.....Newton, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Kelly, Harry Eugene.....1414 Monadnock Blk., Chicago, Ill.
Recommended by Rush C. Butler, Stephen A. Foster.
- Kennedy, A. G.....DeKalb, Ill.
Recommended by John F. Voigt.
- Kimmell, Chas. A.....Peoria, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Lamb, Wm. E.....1414 Monadnock Bldg., Chicago, Ill.
Recommended by Rush C. Butler, Stephen A. Foster.
- Landon, W. P.....Rochelle, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Latham, J. H.....Decatur, Ill.
Recommended by J. Dick, W. H. Mills.
- Lemon, Frank K.....Clinton, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Lewis, Henry D.....Rushville, Ill.
Recommended by Bruce A. Campbell, R. Allan Stephens.
- Logan, John A.....Benton, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Luby, Oswald D.....10 S. La Salle St., Chicago, Ill.
Recommended by F. A. Brown, John F. Voigt.

- Lyons, E. L.....Aurora, Ill.
Recommended by Robt. G. Early, John F. Voigt.
- Mabin, George Gordon.....Danville, Ill.
Recommended by Chas. A. Allen, J. B. Mann.
- Mayor, Edwin B.....401 Otis Bldg., Chicago, Ill.
Recommended by H. Frank, Harry J. Lurie.
- McCalmont, S. M.....Morrison, Ill.
Recommended by A. D. Early, John F. Voigt.
- McFadden, E. R.....208 La Salle St., Chicago, Ill.
Recommended by Frederic S. Hebard, John F. Voigt.
- McGinnis, John.....Alton, Ill.
Recommended by Bruce A. Campbell, R. J. Kramer.
- McKinley, Chas. F.....10 S. La Salle St., Chicago, Ill.
Recommended by Geo. M. Bagby, John F. Voigt.
- McMurdo, J. R.....E. St. Louis, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Meeker, Raymond D.....Sullivan, Ill.
Recommended by John F. Voigt, Bruce A. Campbell.
- Melin, Carl A.....Cambridge, Ill.
Recommended by Fred H. Hand, Leonard E. Telleen.
- Miller, Wm. S.....50 S. La Salle St., Chicago, Ill.
Recommended by G. A. Follansbee, Mitchell D. Follansbee.
- Molthrop, Chas. P.....69 W. Washington St., Chicago, Ill.
Recommended by John A. Rose, Warren Pease.
- Munns, Harry P.....109 N. Dearborn St., Chicago, Ill.
Recommended by John F. Voigt, Fred Lowenthal.
- Ort, George F.....2023 Harris Trust Bldg., Chicago, Ill.
Recommended by A. A. Oldfield, Charles Hughes.
- Osgood, Roy C.....68 W. Monroe St., Chicago, Ill.
Recommended by R. Allan Stephens, E. L. Kramer.
- Palmer, Wm. G.....Urbana, Ill.
Recommended by Henry I. Green, Franklin H. Boggs.
- Parker, Harry S.....Effingham, Ill.
Recommended by W. S. Holmes, Harry J. Rickelman.
- Patton, G. W.....Pontiac, Ill.
Recommended by R. S. Kilduff, R. R. Thompson.
- Peterson, Samuel.....1431 Unity Bldg., Chicago, Ill.
Recommended by John F. Voigt, Chester A. Macomic.
- Pearce, Joe A.....Carmi, Ill.
Recommended by Bruce A. Campbell, E. C. Kramer.
- Pitney, Fred W.....Augusta, Ill.
Recommended by John D. Miller, John W. Williams.
- Potts, Rufus M.....Springfield, Ill.
Archibald A. McKinley, John F. Voigt.
- Pruzman, Paul E.....Joliet, Ill.
Recommended by John B. Fithian, Pence B. Orr.

Ramsey, Luther R.....	Morrison, Ill.
Recommended by A. D. Early, John F. Voigt.	
Reck, B. Harry.....	Mendota, Ill.
Recommended by C. P. Gardner, Bruce A. Campbell.	
Rickert, Joseph W.....	Waterloo, Ill.
Recommended by Bruce A. Campbell, Rudolph J. Kramer.	
Riordon, J. A.....	Morrison, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.	
Robinson, Max.....	109 N. Dearborn St., Chicago, Ill.
Recommended by John E. Kehoe, John F. Voigt.	
Ropiequet, R. W.....	E. St. Louis, Ill.
Recommended by Bruce Campbell, R. Allan Stephens.	
Rollo, R. P.....	Murphysboro, Ill.
Recommended by Otis F. Glenn, Isaac K. Levy.	
Roy, Arthur R.....	Springfield, Ill.
Recommended by Bruce Campbell, R. Allan Stephens.	
Savage, John.....	Joliet, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.	
Schlepan, William.....	123 W. Madison St., Chicago, Ill.
Recommended by John F. Voigt, Chester A. Macomic.	
Sentel, George A.....	Sullivan, Ill.
Recommended by W. R. Huff, John F. Voigt.	
Seymour, Roy V.....	Dwight, Ill.
Recommended by Bruce Campbell, R. Allan Stephens.	
Simmons, Park E.....	205 W. Monroe St., Chicago, Ill.
Recommended by John M. Zane, Frank A. Brown.	
Singleton, Shelly M.....	911 Hartford Bldg., Chicago, Ill.
Recommended by Frederic P. Vose, John F. Voigt.	
Shorey, Clyde E.....	137 S. La Salle St., Chicago, Ill.
Recommended by Mitchell D. Follansbee, Geo. A. Follansbee.	
Sheean, John A.....	N. Y. Life Bldg., Chicago, Ill.
Recommended by John E. Kehoe, John F. Voigt.	
Shurtleff, George A.....	Peoria, Ill.
Recommended by George T. Page, Wm. Jack.	
Shutts, Irving.....	Joliet, Ill.
Recommended by Charles D. Dibell, James E. O'Donnell.	
Snapp, Dorrance D.....	Joliet, Ill.
Recommended by Dorrance Dibell, Paul E. Prutzman.	
Stone, Claude H.....	Peoria, Ill.
Recommended by Geo. T. Page, Clyde E. Stone.	
Stone, Hal M.....	Bloomington, Ill.
Recommended by W. H. Kerrick, Samuel B. Irwin.	
Strawn, Halbert J.....	Albion, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.	
Stewart, Wm. K.....	Monmouth, Ill.
Recommended by Bruce A. Campbell, R. Allan Stephens.	

- Stickney, Edward S.....Galesburg, Ill.
Recommended by Lawrence C. Johnson, Albert E. Bergland.
- Stubbles, Charles S.....Peoria, Ill.
Recommended by W. L. Ellwood, Clyde E. Stone.
- Sullivan, T. J.....Springfield, Ill.
Recommended by Adolph F. Bernard, Ralph H. Wilkin.
- Sullivan, Boetius Henry.....38 S. Dearborn St., Chicago, Ill.
Recommended by Trygave A. Siqueland, Edward S. Whitney.
- Tannenbaum, Wm. M.....127 N. Dearborn St., Chicago, Ill.
Recommended by John F. Voigt, Chester A. Vernier.
- Tarbox, Horace.....1531 Unity Bldg., Chicago, Ill.
Recommended by Cuthbert D. Potts, James F. Bynum.
- Taylor, Dudley.....1818 City Hall Square Bldg., Chicago.
Recommended by Roger Sherman, Walter M. Provine.
- Thompson, Morton W.....350 N. Clark St., Chicago, Ill.
Recommended by John F. Voigt, R. Allan Stephens.
- Tichnor, Frank A.....Rockford, Ill.
Recommended by Fred E. Carpenter, Smith.
- Townley, Morris M.....105 S. La Salle St., Chicago, Ill.
Recommended by Henry S. Robbins, Roger Sherman.
- Trapp, Harold F.....Lincoln, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Tyler, Burton A.....Cambridge, Ill.
Recommended by Fred H. Hand, C. M. Turner.
- Von Ammon, Frederic E.....69 W. Washington St., Chicago, Ill.
Recommended by Marcus Hitch, Frederic Z. Marx.
- Walt, Edwin H.....Woodstock, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Ward, Robert R.....Benton, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Walsh, John W.....600 Washington St., Chicago, Ill.
Recommended by Frank L. Kreird, John R. Guilliams.
- Waltz, Merle E.....303 Reaper Block, Chicago, Ill.
Recommended by Geo. H. Wilson, R. Allan Stephens.
- Watts, James W.....Dixon, Ill.
Recommended by Albert Watson, Joel F. Watson.
- Weaver, John V. A.....1618 Ashland Block, Chicago, Ill.
Recommended by Wm. Burry, P. B. Johnstone.
- Webb, Elmer E.....East St. Louis, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Weinberg, Adolph.....Augusta, Ill.
Recommended by John D. Miller, John W. Williams.
- Wham, Charles.....Centralia, Ill.
Recommended by Bruce A. Campbell, John F. Voigt.
- Whipple, John A.Waukegan, Ill.
Recommended by Clair C. Edwards, John D. Pape.

Williams, Curtis.....	Mt. Vernon, Ill.
Recommended by Albert Watson, Frederick A. Brown.	
Williams, John W.....	Carthage, Ill.
Recommended by James D. Miller, Charles J. Scofield.	
Williams, Lewis O.....	Clinton, Ill.
Recommended by Sain Welty, Geo. H. Wilson.	
Whitfield, Wm. K.....	Decatur, Ill.
Recommended by Bruce A. Campbell, R. J. Kramer.	
Wolfe, Arthur R.....	39 S. La Salle St., Chicago, Ill.
Recommended by Bruce Campbell, R. Allan Stephens.	

THE PRESIDENT: Gentlemen, you have heard the report.

THE PRESIDENT: No action is necessary, I believe. If there is no objection the report will be received and placed on file.

We will continue the discussion upon Amendments to the Substantive Law.

THE PRESIDENT: We will be glad to hear from Mr. Larson.

MR. LARSON: What little I have to say can add but little to what has been said, or what probably will be said by the other speakers, and, as I say, I do not like to take the time. I have enjoyed the speeches that have been made heretofore, and my knowledge of substantive law is comparatively limited, and such changes as might be made have already been suggested, and probably will be.

In the course of the comparatively short experience I have had in practicing law, and also on the bench, there are some other matters that have occurred to me that require changing probably far more than the substantive law of the State of Illinois, and under the circumstances, I would ask that I could be permitted to vary the discussion a trifle, and at least point out some changes in conditions as I see them.

At the present time, and under present conditions, the practice of law is extremely complex, and becoming more so year after year. The reasons for that are several, and more particularly the fact that there is becoming more law every day, both judge made and as made by the legislature. We have, as we all know, in the neighborhood of 500 volumes of reports in the State of Illinois at the present time, both supreme and appellate, and that is within less a time than one hundred years. At the same rate, and probably a faster rate in the future, it will be almost impossible for the ordinary law office to contain the various volumes.

What I have to suggest, and I am not going to argue it, is that some means be obtained for the purpose of eliminating a large portion of the early decisions in the Illinois Reports and the Appellate Reports. As we know, we could probably dispense with a great number of the decisions in the first one hundred volumes of the Illinois Reports; many of them have been reversed and overruled; many have been differentiated and in most of them conditions at that time were so dissimilar from conditions at the present time that they are of practically little or no value, at the present time.

I will suggest, therefore, if it is possible, that a committee be appointed for some action to be taken, preferably by the members of the Supreme Court, to go through the decisions, the early decisions particularly, and cull out such decisions as have no bearing upon present day law. If that could be done we could probably eliminate half of the difficulties and half of the complexities of present day practice and half of the difficulty in determining at the present time just exactly what the law is. (Applause.)

THE PRESIDENT: Mr. W. G. McRoberts, of Peoria.

MR. W. G. McROBERTS: I am called a little earlier than I expected, but I have some sort of a speech here, which will hardly take more than half of the ten minutes assigned for this purpose. Even though there may be difference of opinion, I believe the reading of this little speech will be of some benefit today. I have entitled the article, "An Ancient Weakness."

In the case of *Dexter vs. Edmonds*, 89 Fed. 467, the United States Circuit Court in and for the District of Massachusetts in construing the constitution and statute of the State of Kansas expressed the opinion that the distinction between "remedy" and "substantive right" is incapable of exact definition, and is somewhat a question of degree. Therefore, in discussing the question of changes in the substantive law, I am inclined to take the view of the Massachusetts court, avoid the technical and deal with the substantial.

For the last several years I have devoted a considerable portion of my professional time and energy to the matter of law enforcement in the courts of Illinois.

The Illinois State Constitution provides that the judicial power shall be vested in the courts.

The Supreme Court of Illinois in *Landowners vs. The People*, 113 Ill. 296, and other cases, has defined judicial power as the power which adjudicates upon and protects the rights and interests of the individual citizens, and to that end construes and *applies* the law.

As the law of Illinois stands today, and it apparently has never been otherwise, the individual citizen is effectively deprived of all means by which he can compel a public officer to do his duty.

This condition is, perhaps, doing more than anything else to bring the courts and the law into disrepute. It is substantive in its character and marks the line of difference between the imitation and the real.

The recall of judges and of public officers has been in the past demanded. Nothing came of it, except that it was the beginning of a critical study of the practical administration of government. Illinois as a State is one of the worst offenders. The executive officers in many of its municipalities set at naught their oaths of office and the statute law of the State from their first day in office to their last.

The Supreme Court of Illinois in the case of *The People vs. Busse*, 238 Ill. 593, held that the courts would not compel the mayor of the City of Chicago to enforce the law as found in the statutes and the city ordinances, the strongest reason given by the court being that the court would not assume governmental functions lodged in the executive department.

It seems, then, as a practical matter that the courts may construe but not apply the law. In other words, we have some laws which we cannot use. It seems that we need another department of government; a department to which there need be attached no salaries and no expense; a mere department of statutory revision in the interest of the people; a little statute giving to any citizen who will furnish a good and sufficient bond the right to institute and prosecute a suit against a public officer for a wilful omission of statutory duty, the penalty to be in proportion to the offense, the procedure in the trial court to be summary in its nature, and review by the upper courts to be speedy, and also summary.

THE PRESIDENT: Judge Oliver A. Harker.

JUDGE OLIVER A. HARKER: Mr. President and Gentlemen: The suggestions that I will advance are not suggestions emanating from me. They come in response to an invitation from the secretary, made to Prof. Decker, of the College of Law of the University, who is head of the course on suretyship, and involves a change in Chapter 132 relating to sureties.

As you will doubtless remember, there is a section of that statute, Section 3, I believe, which provides that whenever the principal on any bond, note or other written obligation shall die, and a creditor shall fail to present his claim against the estate within two years, then the surety shall be relieved from the payment of such part of the debt as could have been obtained through the probation of the claim in the Probate Court. And so a bill has been prepared which, at the proper time, I shall move be referred to the Committee on Law Reform, to the end that that committee will either present it to the legislature or present a bill for an act entirely repealing the provisions to be found in Chapter 132, to which I refer.

A BILL FOR AN ACT TO AMEND SECTION THREE (3)
OF AN ACT ENTITLED, "AN ACT TO REVISE THE
LAW IN RELATION TO SURETIES," APPROVED
FEBRUARY 27, 1874; IN FORCE JULY 1, 1874.

Section 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly: That section three (3) of an act entitled, "An Act to Revise the Law in Relation to Sureties," approved February 27, 1874, and in force July 1, 1874, be and the same is hereby amended to read as follows:

Section 3. Whenever the principal maker of any note, bond, bill, or other instrument in writing shall die, if the creditor shall not, within *one* year after the granting of letters testamentary or of administration, present the same to the proper court for allowance, the sureties thereon shall be released from the payment thereof to the extent that the same might have been collected of such estate if presented in proper time; but this section shall not be construed to prevent the holder of any such instrument from proceeding against the sureties within said one year.

REASONS FOR AMENDMENT.

The section which it is proposed to amend was originally passed in 1869 (L. 1869, p. 305), and was re-enacted in the general revision of 1874 as Sec. 3 of Chap. 132. It was enacted for the apparent purpose of protecting sureties from liability to pay debts of a deceased principal, which the creditor had failed to prove within the time allowed by the Administration Statute for the proof of claims against estates of deceased persons, which at that time was two years after letters of administration had been granted.

Before the statute was enacted, it had been repeatedly held in other jurisdictions (See *Villars vs. Palmer*, 67 Ill. 204) that the failure of a creditor to prove his claim against the principal's estate was no defense to the surety. It is true that it was also held that the surety who paid after the expiration of the time for proof of claims did not lose his right of indemnity against the principal's estate; but where the principal's estate had been fully settled before the surety was compelled to pay, this right of indemnity must frequently have been of little value, and its existence must have tended to delay and complicate the settlement of estates. (See *Sibley vs. McAllister*, 8 N. H. 389).

It is not proposed to discuss the wisdom of the original enactment. The fact that it has remained on the statute books so long without challenge would seem to indicate that it has met with general approval. The proposed amendment simply changes the word "two" before the word "years" in the third line to the word "one." This change is necessary to bring this act into harmony with Sec. 70 of the Act on Administration of Estates (Rev. Sts., Ch. 3, Sec. 70) as amended in 1903 (L. 1903, p. 3) which reduces the time for proof of claims from two years to one. That the section which it is proposed to amend was not amended by implication by the Act of 1903 has been held by the Appellate Court in the case of *James vs. Plank*, 159 Ill. App. 293 (1910).

I am advised now by Professor Decker that the question has been presented to the Supreme Court and the reasoning of the Appellate Court in that case seems to be well presented.

It accordingly appears necessary that it should be expressly amended so as to conform to the limitation upon proof of claims.

If this is not done, then the statute should be entirely repealed, because it is apparent that as it stands at present, it does not afford the surety the protection which was originally intended, and can only lead to confusion.

As I said, the Committee on Law Reform may consider whether they want to repeal this legislation entirely and adopt the policy of a number of the jurisdictions, which is that the surety, in order to relieve himself, must himself pay off the claim and then probate it against the estate.

So I move, Mr. President, that this bill for an act be referred to the Committee on Law Reform for action.

The motion was carried.

THE PRESIDENT: The next order of business is the report of the Committee on Law Reform, by Mr. James M. Graham.

The report is as follows:

REPORT BY THE COMMITTEE ON LAW REFORM.

Mr. President, and Members of the State Bar Association:

The attention of thoughtful men, in the legal profession as well as out of it, has for years been directed towards a simplification of legal procedure,—towards making the administration of distributive justice speedier, and cheaper, and more certain, as well as simpler.

Legal procedure, is, at best, only the means by which to reach a certain end, but the liability is often great to confuse the means used with the end sought to be accomplished, and to magnify the means till it looks as important as the end itself.

In the endeavor to improve our court procedure by piecemeal, by spasmodic additions, through legislative action, we have built around and about it so much of substantive law that a casual observer might well be mistaken as to which is the more important—the means or the end.

Justice—distributive justice,—the greatest thing in the world—is, of course, the end sought, but we have so loaded our methods of procedure with unnecessary and often ill fitting, legislation, that sometimes instead of aiding, it becomes a veritable stumbling block in the pathway to the end sought, rendering the journey more difficult, more tedious, and more expensive.

It may not be impossible, but it is extremely difficult, for a legislative body to frame a law which will anticipate every little detail that may arise in procedure in courts, and in the administration of justice.

However well informed the individual members of the Legislature may be, they cannot anticipate and provide in advance for the many and various complexities which are constantly arising in our rapidly changing social, and business, and industrial activities, and in the litigation growing out of them.

Ordinarily, the General Assembly meets only biennially, and it usually has a great deal of business to transact while in session. Many of the members of that body have no experience and little information about court procedure. It seems to be quite difficult to get a constitutional majority in each house to agree as to what such procedure should be, and often the result of their deliberations about it is a compromise, a sort of mongrel measure which is but a small improvement on what went before it.

Often the statutory provision passed to fit a particular, or a possible, situation does not fit it at all, but however ill fitting or misfitting it may be, the courts are bound by it, and have to recognize and apply it the best they can, because it is the statute. And no matter how much of a misfit it may be, it cannot be changed till the General Assembly meets again—possibly not even then.

This Association has been, for many years past, urging changes in practice and procedure, and the various Committees on Law Reform have, for some years past, given the subject much consideration. The present Committee begs leave to state that the work done by its predecessors, in this regard leaves little for it to do at this time, except to commend their labors.

For some years prior to 1910, the activities of this Association along this line were exercised mostly in an endeavor to obtain the passage of such amendments to the Practice Act as would remedy defects that were suggested by actual experience, and, of course, to anticipate such future difficulties as might be reasonably expected to arise.

But at the 1910 meeting, there was a decided departure from this method.

A very able and well considered report was made that year, by Major Tolman, as chairman of the committee, containing a series of propositions along a comparatively new line. The first of these propositions reads as follows:

"A practice act should deal only with the general features of procedure and prescribe the general lines to be followed, leaving details to be fixed by rules of court, but the courts may change these rules from time to time as actual experience in their application and operation dictates."

This statement clearly indicates the theory on which the whole report rests. It gives the key note, not only to that report, but also to all subsequent efforts of the Association to bring about a reform in our court procedure.

In the beginning of their report for 1912, the committee, by way of prelude, said:

"A practice act should deal only with general features of procedure leaving details to be fixed by the court."

And in conformity with this view, their proposed measure of reform in procedure contained a provision making it the duty of the Supreme Court to formulate rules of practice and procedure in courts of record of original jurisdiction, in actions at law (other than rules applicable to changes of venue) and courts of record were to have power to adopt rules governing their own practice, subject, however, to the approval of the Supreme Court.

A number of measures were, at various times, at the instance of the Association, introduced in the State Legislature, and considered by it, most of them consisting of modifications of, or amendments to, the Practice Act, along the lines already indicated; but in 1915, the Committee on Law Reform, having been given power to act, considered all former bills, and many other sources of information, with intelligent, painstaking care; and with great wisdom formulated a new bill which was introduced in the House of Representatives by Mr. Walter Provine on March 4th of that year, and since known as House Bill No. 91.

It was referred to the Committee on Judicial Department and Practice, which gave it thorough consideration, made a number of changes in it, and, as changed, re-introduced it. It became House Bill No. 625.

After full consideration in the House during which the bill was changed somewhat by amendments, it reached a roll call, but failed to pass.

It was referred back to the committee, and a number of other changes were made in it to meet the objections urged against it in the House. On May 6th, it was again introduced as a committee bill. This time it was known as House Bill No. 872.

On May 18th, a motion was made to call it up for second reading, but the motion was lost and the matter was not reached again during the session.

In view of the great amount of labor bestowed upon this matter by the Committee on Law Reform, and by the able Committee on Judicial Department and Practice, and by the House of Representatives, and after careful study of its provisions by this committee, and after comparing it with House Bills No. 91, and No. 625—its precursors,—your committee joins in recommending it, and in asking for it, the endorsement of the Association.

As the substantial features of this bill have been before the Association for several years, your committee will make no attempt to analyze its provisions; but we cannot refrain from calling special attention to sections 74, 75, and 76. These are the sections dealing

with the important matter of practice and procedure in courts. Section 74 reads as follows:

"The Supreme Court shall have power, and it shall be its duty to adopt and put into effect rules regulating the practice and procedure of courts of record of original jurisdiction in all actions at law, as well as in all special statutory proceedings, other than rules applicable to changes of venue, which may not conflict with the provisions of this Act. Such rules shall be adopted and promulgated in such manner, and shall take effect at such time, as the court may deem expedient. Any rule adopted by the Supreme Court may be rescinded, altered or amended from time to time, in such manner as the court may deem proper."

There can be little doubt as to the wisdom of this plan.

The matter practically narrows itself down to two questions: First, Shall the General Assembly continue to enact statutes for the regulation of court practice and procedure? or, second, Shall the General Assembly give the Supreme Court the power to formulate necessary rules of practice and procedure?

A mere glance at the situation will serve to convince any reasonable person that, by training, by experience, by opportunity, by almost every standard of measurement, the Supreme Court is much better equipped than the General Assembly for the performance of this work.

We mention but a few of the many reasons which might be given:

(a) The court consists of a single body of only seven members. The General Assembly consists of two separate bodies, one having 153 members, the other 51 members.

(b) The judges are, by training, and by experience, thoroughly qualified to formulate rules of practice and procedure because interpreting and applying such rules forms a large part of their daily work; whereas comparatively few of the members of the General Assembly are qualified either by training or by experience to deal with this matter.

(c) The judges are intensely and personally interested in having the best possible rules for the successful performance of their duties,—namely, the practical administration of justice.

The members of the General Assembly are, of course, interested, but not so directly or intensely interested in good, practical working rules of procedure as are the judges, whose duty it is to work under them, and who are either helped or hindered in their work by them.

(d) The judges have constant opportunity, indeed, constant necessity, to observe whether any rule properly serves its purpose.

The members of the General Assembly have little opportunity to observe whether or not the rules are adapted to their purpose.

(e) If the rule does not properly serve its purpose, the judges have constant and ready opportunity to modify or change it, as their duties bring them together much of the time, and in any event it is easy for them to meet for the very purpose of changing a misfit rule:

The members of the General Assembly on the other hand, have not so good an opportunity to judge of the fitness of the rules; and not so good an opportunity to change misfit rules, as they have usually only biennial sessions, and press of business or other causes may, and often do, prevent action of any kind.

Your committee respectfully recommends House Bill 872, for indorsement by this Association.

JAMES M. GRAHAM, Chairman,
JAMES H. MATHENY,
LOGAN HAY,
F. W. BURTON,
NORMAN L. JONES.

MR. GRAHAM: I might add that some matters of less moment came before the committee but they deemed this matter of such great importance that they thought it wiser not to depart from it, but to concentrate all their efforts on this. I therefore move its adoption.

THE PRESIDENT: Gentlemen, you have heard the motion, including the adoption of the report and the endorsement of the bill. Are you ready for the question?

The question was called for.

MR. C. B. CHAPMAN: I just want to make this one suggestion: When a report is presented to us asking the legislature to adopt a certain bill, we have not the bill before us. We do not consider it carefully. I just want to suggest that one reason why we do not have any more influence with the members of the legislature is because they know that we adopt measures here and ask the legislature to pass laws that we do not consider; that they are merely presented, and on the presentation by some one, some committee, we ask the legislature to adopt them. I think we have been weak in this respect. If the legislature knew that all the matters that are presented to them by this Association were carefully considered by the members of the Association before they are presented to the legislature, we would have more influence with them.

MR. GRAHAM: I really forgot to offer a copy of the bill with the report. Here it is.

THE PRESIDENT: Mr. Starr.

MR. MERRITT STARR: I only want to say what probably is in the minds of several of us, although it is usually forgotten.

The meeting in this hotel in 1910 devoted a whole afternoon, with a crowded house, discussing that bill; it was published in the proceedings, and it has come before this house twice since then and been discussed, and it was sent to every member of the Association. I confess I have mislaid mine, but I remember the discussion very well, indeed.

THE PRESIDENT: It is hard for the chair to imagine a bill which has been given more consideration than this by the Committee on Law Reform, under Maj. Tolman and other members of the committee.

MR. WILLIAM R. CURRAN: Mr. Chairman and Gentlemen of the Association: It may be possible that there may be some individual member of this Association who has not considered this bill, but for six mortal years it has received the consideration and best effort of the members of this committee of this Association and of its strongest members. If there is anything in consideration, it is passed. We have come to the time when we ought to stand by the result of our own work and let the gentlemen who have not considered it catch up. And it is not a fact that the report of this committee or this bill, or any former one, has gone to the legislature or any other authority unconsidered, or that they have that impression, that it is unconsidered. The truth is, if the bar of Illinois are capable of considering anything, this has been considered. (Applause.)

MR. FRANKLIN L. VELDE: I thoroughly agree with Mr. Chapman in the proposition that this Association ought to thoroughly consider all matters before recommending them. But this matter has certainly been well considered. To my knowledge it was discussed for one whole day at a meeting of the Association held in the State Capitol at Springfield. And I have a distinct recollection of making a motion in this hotel about two years ago to adopt this same report, basing my motion upon the fact that the report had theretofore been twice unanimously recommended by the Association.

Calls for the question.

MR. ALBERT D. EARLY: Perhaps the reason our work does not bear fruit in the legislature is due to the fact that when we have considered fully the report of the committee we then drop the

matter. As a practical working suggestion I think the members of the committee should be requested to present the work of the committees to the legislature when it meets.

THE PRESIDENT: May the chair suggest, with reference to this bill, there was some one from this Association at Springfield practically every week during the session; that the bill passed both houses and was lost by one vote upon the verification of the roll in the house, so that there was pretty effective work done on this particular bill.

MR. EARLY: I suggest that Mr. Graham, Major Tolman, and other members of the committee, who have given much time to the consideration of this question, be requested to present it to the next legislature. We have given it consideration. The bill ought to pass and I think we can obtain enough votes to put the bill through.

Calls for the question.—The motion was then passed unanimously.

THE PRESIDENT: The next item on the program is the report of Special Committee to Promote Adoption of Plan of Committee on Masters in Chancery.

Mr. Starr.

MR. MERRITT STARR: Mr. Chairman and Gentlemen of the Association: I believe I can present what I have to present within the ten minute interval allotted to miscellaneous discussion and, if I may be indulged, I would like to contribute to that general discussion by recalling that in this room, five years ago, at a meeting of the Association of Commerce, we enjoyed hearing an address by that distinguished American who has just passed away, James J. Hill. And I want to bring to you a message from Mr. Hill that he delivered through a mutual friend less than ten days ago, which was this: That the thing that the American people needed most to learn is that the elective franchise is not so much a right as it is a duty. (Applause.) And if he could have his way, the exercise of the elective franchise would be made compulsory on every man. (Applause.) That we have too many elections; that they come too often for too many offices, and that if every voter were compelled to vote every time, those difficulties would pretty soon correct themselves; that we reduce the number

of officers to be elected and increase the number that are appointed and lengthen some of the terms of those who are elected.

I leave that as my contribution from Mr. Hill to the needed amendments of our substantive law.

Coming to the committee's report: This committee report is something of a parallel to a report made by the Committee on Law Reform, for it is a new presentation of something you have heard before. A year ago the committee presented to you a report and presented two bills to improve the practice in reference to Masters in Chancery, one of which had been drawn by a Committee of the Chicago Bar Association, and the other of which had been drawn in the Legislature. And in addition to that we presented the plan of amendment to rules in respect to Masters in Chancery, drawn up by an Executive Committee of the Judges of Cook County. Today we have become more specific. You passed a general resolve at that time endorsing the principle of those bills, for they were both to the same point.

Letters of approval of this report are attached by Judge C. E. Epler, of Quincy; Mr. A. E. Crisler, of Chester; Mr. W. E. Knowles, of East St. Louis. In addition to those who have signed the report this comprises all the committee except two; one, the Hon. Thomas Taylor, Judge of the Circuit Court of this County, who was himself one of the Committee which was the author of the bill and who for reasons resulting, perhaps, partly from modesty and partly from official relationship, asked to be excused. The other is Mr. Noleman, who joined in the report of last year, but who has been unable to be present.

We do not feel that it would be right to fail to call attention to the fact that we have had the active co-operation of the Hon. Charles S. Cutting, President of the Chicago Bar Association, who was so long on the Probate bench, and who served a term as master in chancery before he went on the Probate bench; and that this bill embodies labors of a Committee of Masters consisting of Thomas Taylor, George Mills Rogers and Roswell B. Mason; that it was further approved by the Committee on Rules of Court, consisting of George W. Miller, Edgar B. Tolman, Albert M. Kales, H. K. Tenney, Joseph W. Moses and James G. Condon. It would not be right for us to seem to ap-

propriate the fruits of the labors of these committees without giving them at least favorable recognition. They are mentioned in the report.

The report is as follows:

To the President and Members of the Illinois State Bar Association:

Your committee to promote the adoption of plan on Masters in Chancery, respectfully report that we recommend that this Association approve Senate Bill No. 105 of the 48th General Assembly (Session of 1913) with certain amendments believed desirable, and recommend that it as so amended and set out in "Exhibit A" hereto attached, be enacted into law.

In connection with this, we call attention to the fact that this bill was made a special exhibit in full together with a summary thereof in the report of the Special Committee on Masters in Chancery presented at the last session of the Association June 12, 1915, at Quincy; that in that report that committee made the following recommendation:

"We find that the Judges of the Circuit Court of Cook County, and several of the committees both of the Cook County Masters themselves and of the Chicago Bar Association have been at work upon these proposals for years; and that the fruits of their efforts were embodied, two years ago, in Senate Bill No. 105 of the 48th General Assembly;—and we recommend that legislation along these general lines be approved by this Association, and that a special committee be appointed to present the views of the Association to the legislature."

That the Association adopted the following motion, viz.:

"That the principle of this report that for counties of the third class the office of Master in Chancery be put upon the basis of a fixed salary for devoting his entire time to the work of the office, be approved, and that a special committee to promote legislation to that end and cooperate with the Bar Association of the City of Chicago in that respect, be appointed by this Association."

This approval in 1915 has not been presented to the legislature because no regular session of the legislature has since occurred; but in pursuance of that action of the Association the President of the Association appointed the present committee, who by the present report specifically recommend the approval of Senate Bill No. 105 with the changes noted on "Exhibit A" hereto attached.

For convenience we append hereto copies of the report of the special committee made in June, 1915, as "Exhibit B" hereof, which sets forth Senate Bill No. 105 as Exhibit 8 thereof, being the final exhibit of that report. The same will also be found on page 195 of the proceedings of 1915, and a summary of Senate Bill No. 105 will be found on page 162 *et seq.*, of the proceedings of 1915. This summary also appears on page 16 *et seq.*, of the report hereto attached.

The Report and Summary of Senate Bill No. 105 will also be found

published in the Chicago Legal News for July 10, 1915, (Vol. XLVII, page 385 *et seq.*).

Respectfully submitted,

MERRITT STARR,
ANDREW R. SHERIFF,
ALBERT M. KALES,
PHILLIP S. POST,
ROSWELL B. MASON,
PERCY B. ECKHART,
Committee.

Quincy, Illinois, May 17, 1916.

Hon. Merritt Starr,
Chicago, Ill.

DEAR SIR:

Your favor of the 16th as to the meeting of the Committee of the Ill. State Bar Association as to Masters in Chancery on Friday, May 19th, at hand. I am sorry I shall not be able to be there on that date, but from a review of the Senate Bill that you have presented I think I can safely say that I will concur with the action of the committee, and you can sign my name to it.

I am opposed to the fees system as to Masters in Chancery, and think a salary plan would be better for Cook County, and in most other cases. The details as to Masters in Cook County, the Chicago members can pass on to the best advantage.

Hoping to see you at the time of the meeting of the State Bar Association, I remain

Yours very truly,

C. E. EPLER,
Chester, Illinois, May 10, 1916.

Mr. Merritt Starr,
Chicago, Ill.

DEAR SIR:

I have your letter of the 9th stating that the Committee on Masters in Chancery of the Ill. State Bar Association will meet at the Union League Club on May 15th.

I regret that I will not be able to be in Chicago at that time. I favor bill 105 or something substantially like it.

Yours very truly,

A. E. CRISLER.
East St. Louis, Ill., May 12, 1916.

Mr. Merritt Starr,
Attorney at Law,
Chicago, Illinois.

DEAR SIR:

I have your favor of the 9th inst., and am sorry to inform you that I cannot be with you on the 15th inst. I have noted very care-

fully what you have said in your letter and have read the Senate Bill No. 105, and also the bill drawn by the Chicago Bar Association. I agree with you that the Senate Bill No. 105 is much the better bill of the two and seems to be a good bill indeed. I have great confidence in the committee and am sorry I cannot be present with them, but I will endorse almost any action that they take, in the premises and especially if a recommendation is made in accordance with the Senate Bill No. 105.

Hoping we may get some favorable action in the next Legislature, I am

Yours very truly,

W. E. KNOWLES.

WEK/LG

EXHIBIT A

SENATE BILL 105.

(Session of 1913.)

A Bill for an Act in relation to Masters in Chancery.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:* NUMBER AND APPOINTMENT OF MASTERS.] The several Circuit Courts may appoint, in the respective counties in their circuits, a Master in Chancery, and the Circuit Court of Cook County and the Superior Court of Cook County may appoint for their respective courts such number of Masters in Chancery as may be necessary for the transaction of the business thereof and of such other business as they may be required by this Act to transact: *Provided, however,* that the number of Masters in Chancery of the Circuit Court of Cook County and the number of Masters in Chancery of the Superior Court of Cook County shall not exceed one for every two judges of said respective courts. Such Masters in Chancery shall be residents of the respective counties in and for which they are appointed, and shall be *ex officio* Masters in Chancery of the County and Probate Courts of their respective counties.

SEC. 2. TERM OF OFFICE—REMOVAL—FIRST APPOINTMENTS.] The tenure of office of Masters in Chancery shall be six years, but they may be removed from office at any time by an order signed by a majority of the judges of the court in and for which they are appointed whenever, in the opinion of such judges, their removal is in the interest of a prompt and efficient administration of justice. The first appointments of Masters in Chancery under this Act shall be made for the term of six years, commencing on the first Monday of October, A. D. 1917. The tenure of office of all existing Masters in Chancery shall cease on the expiration of the terms for which they were severally appointed. Any Master in Chancery or Special Master in Chan-

cery whose term of office or powers are terminated by this Act may be appointed by the court Special Master in Chancery for completion of all unfinished work pending before him.

SEC. 3. VACANCIES—HOW FILLED.] When a vacancy occurs in the office of a Master in Chancery the court shall fill the vacancy by appointment as soon thereafter as conveniently may be, and the person so appointed shall hold the office for the balance of the term for which his predecessor in office was appointed.

SEC. 4. BOND.] Every Master in Chancery, before entering on the duties of his office, shall give bond with security to be approved by the court and take and subscribe an oath, of office, which bond and oath shall be filed with the clerk of the court making the appointment and spread upon the records thereof.

SEC. 5. SPECIAL MASTER—WHEN APPOINTED.] Whenever it shall happen that there is no Master in Chancery in any county, or when such Master is unable to act in any action or matter, or when the parties shall so request, the court may appoint a Special Master to perform the duties of the office in all things concerning such action or matter, and may fix the compensation of such Master, which compensation shall be paid by the parties to the action in such manner as the court may direct.

SEC. 6. POWERS OF MASTERS.] Masters in Chancery in their respective counties shall have authority to take depositions, both in law and in equity, and to administer oaths, to compel the attendance of witnesses, take acknowledgments of deeds and other instruments in writing, and, in the absence from the county of the judge, to order the issuing of writs of habeas corpus and *ne exeat* and to enter injunction orders and perform all other duties which, according to the laws of this State and the practice of the courts of equity, pertain to the office, or which they may be authorized to perform by other provisions of this Act. They shall also have power in their respective counties, upon application in such manner as may be provided by law, to grant orders for the issuing of writs of certiorari to remove causes from before justices of the peace into the proper court.

SEC. 7. DEATH OF MASTER—POWER OF SUCCESSOR.] When any Master in Chancery shall die, resign his office or be removed therefrom or remove from the county and shall leave any business pertaining to his office unfinished, it shall be lawful for his successor in office to do any act or acts coming within the duties of the Master which may be necessary to the final completion of such unfinished business.

SEC. 8. SALARIES—HOW FIXED.] Each Master in Chancery shall receive such salary as shall be fixed by a majority of the judges of the court by which he is appointed, which salary shall be not less than three hundred dollars (\$300) per annum nor more than eight thousand dollars (\$8,000) per annum, and the same shall be payable quarterly out of the county treasury of the county in which such

Master is appointed. Every Master in Chancery shall charge, for his services such fees and compensation as may, from time to time, be specified and fixed by law, and shall keep accurate and itemized accounts thereof.

SEC. 9. TO BE PROVIDED WITH ROOMS, STATIONERY, ETC.—EXPENSES TO BE PAID OUT OF COUNTY TREASURY.] Every Master shall, under the direction and supervision of the judges of the court for which he is appointed, be provided with suitable rooms for the transaction of the business of his office and all necessary stationery, typewriting machines, dictaphones, phonographs, graphaphones and other suitable appliances and supplies therefor and services of stenographers, writers, typists, and copyists, and be allowed in addition to his salary, all other expenses which may be deemed necessary or proper by such judges, and the same shall be paid out of the county treasury on the order of any two or more of the judges of the court.

SEC. 10. WHEN MASTER MAY NOT PRACTICE LAW.] Whenever the business to be disposed of without trials by jury in any court by which a Master in Chancery or several Masters in Chancery is or are appointed is such as to occupy the time of one or more judges of said court during the entire year, no Master in Chancery of such court shall be permitted to practice as an attorney at law during his continuance in office as such Master in Chancery.

SEC. 11. DEFAULTS MAY BE ENTERED AND DAMAGES ASSESSED BY MASTER IN CHANCERY—FORM.] It shall be competent for any Master in Chancery to enter a default in any action pending in the court of which he is Master, when the plaintiff is entitled to such default for non-appearance of the defendant, and to hear the evidence and assess the damages to which the plaintiff may be entitled in any action at law, and the master may receive as sufficient evidence the affidavit of the plaintiff's claim in any action on a contract, express or implied, for the payment of money, and upon the certificate of such default and assessment of damages, the court may enter judgment in favor of the plaintiff and against the defendant for the amount of such assessment. Such certificate may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	No. 40.
v.		
Richard Roe.		

MASTER'S CERTIFICATE OF DEFAULT AND ASSESSMENT OF DAMAGES.

The undersigned, Master in Chancery, hereby certifies that the plaintiff in the above entitled action is entitled to judgment by default against the defendant and that the plaintiff's damages should be assessed at five hundred dollars (\$500).

Chicago, Illinois, February 17, 1908.

GEORGE THOMAS,
Master in Chancery.

SEC. 12. DUTY OF MASTER TO ASSESS DAMAGES—NO COSTS ALLOWED—WHEN ATTENDANCE OF PLAINTIFF NOT NECESSARY.] It shall be the duty of every Master in Chancery to assess the damages in every case of default specified in the preceding section when applied to for that purpose, but no costs shall be payable therefor, and such damages may be assessed by the master without requiring the attendance of the plaintiff, or his attorney, for that purpose whenever, by any provision of law, an affidavit of claim may be received as competent evidence of such damages.

SEC. 13. WHEN REFERENCES TO MASTER MAY BE ORDERED.] References to a Master, in Chancery may be ordered by the court for any one or more of the following purposes:

First—**FOR TAKING EVIDENCE.]** For the taking of evidence and reporting the same in any action in equity, or in any action at law in which there is to be no trial by jury.

Second—**DETERMINATION OF ISSUES.]** For the determination of issues of fact, arising in any action in equity, or in any action at law in which there is to be no trial by jury.

Third—**OTHER MATTERS.]** For the hearing and determination of any other matter in an action in equity or in an action at law which, in the opinion of the court, may be more conveniently, expeditiously or advantageously heard and determined by a reference to a Master than without such reference.

SEC. 14. PROCEDURE BEFORE MASTER—NOTICE TO PARTIES—POSTPONEMENTS.] Upon the hearing before a Master in any matter which may be referred to him as hereinbefore or hereinafter provided the Master shall proceed in like manner, as near as may be, as if the matter were heard in open court, giving such notice to the parties of the hearings before him as he may deem reasonable and necessary and allowing such postponements as he may deem proper.

SEC. 15. DUTY OF MASTER—TAKING OF EVIDENCE.] Evidence heard before the Master may be taken down stenographically or upon a dictaphone, phonograph, graphophone or other instrument, and a transcript thereof, with such number of carbon copies as the Master may direct, thereafter made, or it may be written, with the requisite number of carbon copies, upon the typewriter in the first instance without being taken down stenographically, as the parties to the action may agree, or, in case of disagreement, as the Master may determine: *Provided, however,* that no transcript of the evidence heard before the Master when the same is taken down stenographically or upon a dictaphone, phonograph, graphophone or other instrument, need be made, unless the same be ordered by the parties to the action, or by one or more of them, or by the Master, of his own motion, or unless the order of reference directs the Master to take evidence and report the same.

SEC. 16. HOW MASTER'S REPORT FRAMED.] In the framing of his report made upon a reference the Master shall observe, as nearly as may be practicable, the following rules:

First—SPECIFICATION OF COURT, TITLE, CLASSIFICATION, ETC.] The report shall specify the court in which the action is pending and the title, classification and number of the action, and shall state that it is the master's report in such action in pursuance of an order or decree of which it shall give the date.

Second—OMISSION OF RECITALS AS TO ORDER.] The report shall omit all recitals concerning the order or decree of reference, other than the date thereof, and shall likewise omit all recitals of the hearings before the Master: *Provided, however*, that when, in the same action, there are several references of the same date, the Master may add such further description of the order as may be necessary to clearly identify it.

Third—WHEN REFERENCE IS MERELY TO TAKE AND REPORT EVIDENCE.] If the reference be merely to take the evidence and report the same, the report shall be limited to a statement that the Master has taken the evidence in accordance with the reference and that the same is thereto attached, and the evidence shall be accordingly attached to the report and returned therewith.

Fourth—WHEN REFERENCE IS TO TAKE EVIDENCE AND REPORT CONCLUSIONS IN ACTION IN EQUITY.] If the reference be to take the evidence and report the Master's conclusions as to the facts only in an action in equity, the report shall be limited to a statement of the Master's conclusions as to the facts, or, if the reference be to take the evidence and report his conclusions as to the law and the facts, the report shall be limited to a statement of the Master's conclusions, (a) as to the facts, and, (b) as to the law of the case, without any argument in support thereof, and, in either case, it shall be divided into paragraphs numbered consecutively, each paragraph to contain the Master's conclusions as to some one fact in issue between the parties, and, in case the reference requires the Master to report his conclusions as to the law, the last paragraph shall contain a statement of the relief the Master finds should be granted the parties, or such of them as the Master may find to be entitled to relief, and, in case different items of relief are to be granted, the statement shall be subdivided into subdivisions numbered consecutively, each subdivision to specify a single item of relief.

Fifth—WHEN REFERENCE IS TO TAKE EVIDENCE AND DETERMINE ISSUES IN ACTION AT LAW.] If the reference be to take the evidence and determine the issues, or any of them, in an action at law, the report shall be limited to a statement of the finding or findings of the Master as to the issue or issues so referred to him.

Sixth—WHEN REFERENCE PERTAINS TO INTERLOCUTORY MATTER.] If

the reference be for the hearing and determination of any interlocutory matter not included in the foregoing, the report shall be limited to a brief statement of the finding or determination of the Master framed, as near as may be, in accordance with the forms hereinafter prescribed.

Seventh—WHEN EVIDENCE NOT TO BE RETURNED.] Excepting where the reference is one merely to take the evidence and report the same, the evidence shall not be returned with the report unless one or more of the parties shall so request, or unless some party to the action, whose rights may be affected by such report, is an infant, lunatic or other person not *sui juris*.

SEC. 17. DOCUMENTS, PAPERS, BOOKS OF ACCOUNT, ETC.—HOW SET FORTH IN REPORT—DUTY OF MASTER.] When any paper or document correctly set forth in any pleading, or other paper constituting a part of the record, is referred to in the evidence given before the Master, such document shall not be set forth at large in the report of the evidence, but shall be identified by appropriate reference to the pleading or other paper, and the paragraph therein in which it is contained. When any document not set forth in any pleading, or other paper constituting a part of the record, is introduced before the Master, the Master shall not embody such document in full in his report of the evidence, but shall state the legal effect thereof: *Provided, however*, that when there is any dispute between the parties as to the legal effect of such document, or as to the genuineness thereof, the Master shall, upon the demand of either party, embody a complete copy thereof in his report, unless such document, whether the same be written or printed, is of such length that the insertion of a copy thereof in the report would result in unnecessary expense or inconvenience, in which case the same, after being marked for identification by the Master, may be omitted from the report and may be produced in court upon the consideration of the master's report, or, upon the prosecution of an appeal or writ of error, may be produced in the court in which such appeal or writ of error is heard. When books of account are introduced in evidence the Master shall not copy the same at large in his report, but shall state the result thereof: *Provided, however*, that if either party shall be dissatisfied with such conclusions the Master shall copy in his report of the evidence such books of account or portions thereof as the party so dissatisfied may require, unless, in the opinion of the Master, the demand of such party for the copying of such books or portions thereof is frivolous and vexatious, in which case the master shall make the same disposition thereof and with the same effect as is above provided for with respect to documents the insertion of copies of which in reports would result in unnecessary expense or inconvenience.

SEC. 18. EXHIBITS OR DOCUMENTS NOT TO BE RETURNED WITH REPORT

—EXCEPTION.] Excepting as otherwise provided in the preceding section, the Master shall not return with his report any exhibits or documents introduced in evidence unless the genuineness of such exhibits or documents is in dispute between the parties, but all such exhibits or documents, as to the genuineness of which there is no dispute between the parties, shall be mentioned or embodied or otherwise specified in the report of the evidence in the manner hereinbefore stated.

SEC. 19. REPORT TO BE TYPEWRITTEN, ETC.] Every report shall be plainly typewritten and, when completed and signed by the Master, shall be covered with a suitable cover upon which shall be written the court in which the action is pending, the title, classification and number of the action and the statement that it is a Master's report under a reference, giving the date of such reference and also the date of the report, and shall be securely fastened together with the evidence, if any, accompanying the same. A carbon copy of such report shall be delivered by the Master to each party to the action, or to each group of parties entering a separate appearance.

SEC. 20. FORMS OF MASTER'S REPORTS UNDER ORDERS OF REFERENCE.] The following shall be deemed sufficient forms of Master's reports under orders of reference:

1. MASTER'S REPORT UNDER REFERENCE IN ACTION IN EQUITY TO TAKE EVIDENCE AND REPORT CONCLUSIONS OF LAW AND FACT.

IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

John Doe	}	In Equity. No. 215.
v.		
Richard Roe et al.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The Master makes the following findings:

1. That (here state some one fact found).
2. That (here state some other fact found).
3. That under the pleadings and facts thus found there should be a decree as follows:

a—That (here state some one provision of the decree).

b—That (here state some other single provision of the decree, and so on in the succeeding subdivisions).

The evidence taken before me is hereto attached.

Dated at Springfield, Illinois, March 20, 1908.

WILLIAM BROWN,
Master in Chancery.

2. MASTER'S REPORT UNDER REFERENCE IN ACTION IN EQUITY TO TAKE THE EVIDENCE.

IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

John Doe	}	In Equity. No. 210.
v.		
Richard Roe et al.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The Master has taken the evidence in pursuance of the above order and the same is hereto attached.

Dated at Springfield, Illinois, March 20, 1908.

WILLIAM BROWN,
Master in Chancery.

3. MASTER'S REPORT OF HIS CONCLUSIONS OF FACT WHEN PARTIES STIPULATE IN WRITING THAT EVIDENCE NEED NOT BE REPORTED.

IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

John Doe	}	In Equity. No. 210.
v.		
Richard Roe et al.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The Master reports the facts as follows:

1. That (here state some one fact).
2. That (here state some other fact, and so on in the succeeding paragraphs).

In pursuance of the annexed stipulation the evidence is not reported.

Dated at Springfield, Illinois March 20, 1908.

WILLIAM BROWN,
Master in Chancery.

4. MASTER'S REPORT ON MOTION FOR ALIMONY AND SOLICITOR'S FEES.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

Jane Doe	}	In Equity. No. 700.
v.		
John Doe		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The Master finds that the plaintiff is entitled as follows:

First—To alimony *pendente lite* to be paid by the defendant to the plaintiff, or to the clerk of this court for the use of the plaintiff,

of \$50 on the 20th day of January, 1908, and the sum of \$50 on the first day of each and every month thereafter until the further order of the court.

Second—To the sum of \$100 as solicitor's fees, the same to be paid to the plaintiff's solicitor on or before the first day of March, 1908.

Dated Chicago, Illinois, January 15, 1908.

WILLIAM BROWN,
Master in Chancery.

NOTE.

In case the Master returns with his report the evidence introduced before him, there should be added to the report, after clause second, the following:

Hereto attached is the evidence heard by me in the foregoing matter.

5. MASTER'S REPORT ON MOTION FOR INJUNCTION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	In Equity. No. 400.
v.		
Richard Roe.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JUNE 1, 1908.

The Master recommends that the plaintiff be granted an injunction order enjoining and restraining the defendant, his agents, servants and attorneys, from (here insert description of what defendant is enjoined and restrained from doing.)

The plaintiff should give an injunction bond of \$5,000.

Dated Chicago, Illinois, June 15, 1908.

WILLIAM BROWN,
Master in Chancery.

6. MASTER'S REPORT FINDING ISSUES AND ASSESSING DAMAGES IN ACTION AT LAW.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Contract. No. 400.
v.		
Richard Roe.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The Master finds the issues in favor of the plaintiff and assesses the plaintiff's damages at \$500.

Dated Chicago, Illinois, January 15, 1908.

WILLIAM BROWN,
Master in Chancery.

7. MASTER'S REPORT ON MOTION TO SUPPRESS INTERROGATORIES.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Contract. No. 400.
v.		
Richard Roe.		

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JUNE 5, 1908.

The Master recommends that the motion of the defendant to suppress interrogatories be sustained as to interrogatories four (4) and five (5) and overruled as to interrogatories nine (9) and ten (10).

Dated Chicago, Illinois, June 10, 1908.

WILLIAM BROWN,
Master in Chancery.

SEC. 21. WHEN MASTER'S REPORT TO BE ACCOMPANIED BY DRAFT OF ORDER, JUDGMENT, OR DECREE, OR INJUNCTION OF RECEIVERSHIP BOND.] Unless the several courts of record shall, by rule, otherwise direct, every Master's report under a reference requiring him to hear and determine any matter, when such report is of such character that, if the same be approved, an order, judgment or decree will be entered in accordance therewith, shall be accompanied by a draft made by or under the direction of the Master, copies of which are to be delivered by the master to the respective parties, of the order, judgment or decree to be entered in pursuance thereof, unless the same be one of such character that the same can be conveniently entered by the clerk in an abbreviated form. Every such order, judgment or decree shall be framed, as near as may be, in accordance with the rules prescribed by law with respect to record entries. When the order is an injunction order, or an order for the appointment of a receiver, the master shall pass upon the sufficiency of the bond, if any, required of the plaintiff and return the same with his report.

SEC. 22. MATTERS TO BE HEARD BY MASTER WITHOUT REFERENCE.] The court may, by rule or rules, provide that certain motions and matters, to be particularly specified in such rule or rules, may be presented to and heard by a master in the first instance, without a previous order or reference, and a court in which there are two or more masters may designate the master by or before whom particular classes of motions are to be heard and determined. A master's report in any such case shall be in the same form as hereinbefore prescribed for a similar report made upon a reference, except that, in place of stating that it is the master's report in pursuance of an order or decree, it shall state that it is a master's report upon a motion or matter in the action, describing such motion or matter with sufficient certainty to identify it.

SEC. 23. OBJECTIONS AND EXCEPTIONS TO MASTER'S REPORT UNNECESSARY—ALL MERITORIOUS OBJECTIONS PRESERVED—EXCEPTION AS TO STATEMENT OF ACCOUNT.] Hereafter it shall not be necessary to file before any master to whom any reference has been taken objections to his report, nor shall it be necessary, when any such report has been returned into court and filed therein, that either party file exceptions thereto, but without such exceptions all meritorious objections to the rulings of the master upon the hearing before him, which appear to have been made against the objection of the party complaining thereof, and all meritorious objections to the conclusions and each of them of the master as to the law and the facts, shall be deemed preserved for the consideration and determination of the court: *Provided, however,* that no conclusion of the master as to any fact shall be reviewed by the court in any case in which the evidence heard by the master is not returned with his report. The court may, however, upon a motion to approve or disapprove the master's report, when such report is, in whole or in part, a statement of an account embracing different items, require either party dissatisfied with the report to specify the items of the account with respect to which the conclusions of the master are objected to.

SEC. 24. CORRECTION OF IRREGULAR PROCEEDINGS BEFORE MASTER.] When, upon the hearing of objections made to a master's report, it shall appear that the master has excluded competent evidence, or has otherwise proceeded irregularly to the injury of either of the parties, the court may, on that account again refer the cause or matter to the master, or, in its discretion may, hear the evidence improperly excluded by the master or take such other steps as may appear to be necessary to correct any other proceeding of the master which the court may find to have been irregular. When any such additional evidence is heard by the court or other steps taken the same shall, at the request of either party, be embodied in a certificate of evidence or report of the proceedings to be settled and signed by the judge as hereinafter provided.

SEC. 25. DIVISION OF BUSINESS AMONG MASTERS.] When there is more than one regular master in chancery of any court in any county the business of the master's office may be divided among them in such manner as may be provided by the rules of such court: *Provided, however,* that, whenever all the parties to the action are persons not infants or under other disability and they shall designate the master to whom a reference is to be made, the reference shall be had to the master so designated, unless it shall appear to the court that the amount of business pending and undisposed of before the master to whom such reference is sought is such as to render a reference to some other master conducive to a more speedy determination of the action.

SEC. 26. DEPOSIT OF COSTS OF REFERENCES—MASTER NOT TO WITH-HOLD REPORT—COMPELLING PAYMENT OF FEES.] The party obtaining any order of reference, or, 'if such reference is ordered by agreement, the parties agreeing thereto shall, excepting in the cases hereinafter specified, deposit with the Clerk of the Court, before the taking by the master of any steps therein, such sum as may be fixed by the court, to secure the payment of the costs of such reference and thereafter, from time to time, shall make such additional deposits as may be ordered by the court for that purpose: *Provided, however,* that no deposit or payment of costs specified in this Act shall be demanded of any party to an action who shall have been admitted to prosecute or defend the same as a poor person. When an order of reference is made by the court of its own motion, such deposit shall likewise be required and the amount thereof to be made by the respective parties shall be fixed by the court. In each case the master shall tax the costs of the reference, and attach a schedule of such costs to his report. No master shall withhold any report on account of non-payment of his fees with respect thereto, but the payment of such fees, if payment thereof be refused by the party liable therefor, may be enforced by the court by an attachment. But no deposit of costs shall be required upon a reference in either of the following cases:

First—ACTIONS NOT INVOLVING OVER \$1,000.] In an action in which the sum or value in controversy, exclusive of interest and costs, does not exceed \$1,000.

Second—HEARING MOTION.] For the hearing and determination of any motion.

Third—OTHER MATTER.] For the hearing and determination of any other matter the hearing and determination of which, because of the financial circumstances of the parties, or otherwise, ought, in the opinion of the court, to be had before the master without requiring an advance payment of costs.

SEC. 27. PARTY REQUIRING MASTER TO RETURN EVIDENCE TO PAY COSTS.] Whenever any party shall request the master to return with his report the evidence heard by him, in any case in which, by the terms of this Act, the master is not authorized to return the evidence without such request, such party shall pay to the Clerk of the Court upon the certificate of the master, the stenographer's fees for transcribing such evidence, in case the same shall have been taken down stenographically, within such time as may be fixed by the master for such payment, and in default of such payment the master shall return his report without the evidence: *Provided, however,* that no such payment shall be required to be made by any party to the action who shall have been admitted to prosecute or defend the same as a poor person, or when the court shall, by special order, direct that such payment be not required,

SEC. 28. MASTER'S REPORT OF SALE—REQUISITES—FORMS.] Every master's report of sale of property in pursuance of any order or decree shall specify the court in which the action is pending, and the title, classification and number of the action, and shall state that it is a master's report in such action of a sale in pursuance of an order or decree of which it shall give the date. It shall omit any recitals concerning the order or decree of sale, other than the date thereof, or of the proceedings of the master with respect to the giving or publication of notice of the sale, and shall be limited to a statement of the making of the sale, of the date and place thereof, of the property sold and the name of the purchaser, the price at which the sale was made and the items of expense, including the master's fees, of the making of the sale, and, if more than one piece or parcel of real estate or item of personal property is sold separately, similar particulars as to each such piece, parcel or item, and, if a deed or certificate of purchase is issued to the purchaser, the report shall so specify. The following shall be deemed sufficient forms of master's reports of sales and shall be taken as furnishing suggestions from which other reports may be properly framed:

1. REPORT OF SALE IN ACTION FOR PARTITION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe et al.

} In Equity. No. 215.

MASTER'S REPORT OF SALE UNDER DECREE DATED JANUARY 10, 1908.

The master reports that on February 10, 1908, at the hour of ten o'clock a. m., at the south door of the county building, in Cook county, Illinois, he made sales under said order as follows:

1. The southwest quarter of section twenty-seven (27), township thirty-nine (39) north, range one (1) east of third P. M., in Cook county, Illinois, to John Smith for eighteen thousand dollars (\$18,000), the purchaser paying four thousand five hundred dollars (\$4,500) cash, the balance to be paid upon the confirmation of the report of sale.

2. The southeast quarter of section twenty-seven (27), township thirty-nine (39) north, range one (1) east of third P. M., in Cook county, Illinois, to William Smith for eighteen thousand dollars (\$18,000), the purchaser paying four thousand five hundred dollars (\$4,500) cash, the balance to be paid upon the confirmation of the report of sale.

The master's fees and expenses for making the sale are as follows:

Advertising sale	\$ 15
Master's commissions	200

Total	\$215
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Dated Chicago, Illinois, February 12, 1908.

WILLIAM BROWN,
Master in Chancery.

2. REPORT OF SALE UNDER DECREE OF FORECLOSURE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	In Equity. No. 195.
v.		
Richard Roe et al.		

MASTER'S REPORT OF SALE UNDER DECREE DATED JANUARY 10, 1908.

The master reports that on February 10, 1908, at the hour of ten o'clock a. m., at the south door of the county building in Cook county, Illinois, he sold, under said decree, the southwest quarter of section twenty-seven (27), township thirty-nine (39) north, range one (1) east of the third P. M., in Cook county, Illinois, to John Smith for fifteen thousand dollars (\$15,000) in cash paid by said John Smith and executed to said John Smith a certificate of purchase therefor as provided by law.

The master's fees and expenses for making the sale are as follows:

Advertising sale	\$ 15
Master's commissions	200

Total	\$215
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Dated Chicago, Illinois, February 12, 1908.

WILLIAM BROWN,
Master in Chancery.

SEC. 29. OTHER DUTIES TO BE PERFORMED BY MASTERS—SERVICES IN COUNTY AND PROBATE COURTS.] Masters in chancery shall perform all such other duties connected with the administration of justice in the respective courts for which they are appointed as may be required of them by the respective judges thereof, and shall also perform all services which may properly be performed by masters in chancery in the county courts, probate courts, city courts and municipal courts of their respective counties, subject only to such rules and regulations as may be prescribed by the respective courts for which they are appointed, or by the supreme court.

SEC. 30. OTHER MATTERS OF PROCEDURE BEFORE MASTERS.] In all matters pertaining to masters in chancery not provided for by this Act, the procedure shall be in accordance with such rules as may be adopted by the respective courts by which such masters are appointed, or by the supreme court, and when no provision is made by this Act or by such rules, then as nearly in accordance with the general usage and practice of courts of equity as is consistent with the general spirit and intention of this Act.

SEC. 31. FEES OF MASTERS IN CHANCERY.] The fees of masters in chancery shall be as follows:

First—**ADMINISTERING OATHS.]** For administering oaths and signing jurat when not taking evidence or depositions, twenty-five (25) cents.

Second—**ACKNOWLEDGMENTS.]** For taking acknowledgments or proof of any deed or other written instrument, twenty-five (25) cents.

Third—**TAKING AND REPORTING TESTIMONY.]** For taking and reporting testimony under order of court, one dollar (\$1) for each hour or fractional hour occupied in the taking of the same, the same to be taken down upon a typewriter or stenographically and the typewriter's or stenographer's fees for taking down, or taking down and transcribing the same, which shall not exceed fifteen (15) cents per hundred words for the original, and five (5) cents per hundred words for a copy, of the testimony taken and transcribed, to be paid by the party by whom the master's fees are payable in the first instance.

Fourth—**DEPOSITIONS.]** For attendance upon the taking of depositions and certifying the same, the same fees as are allowed by law to clerks of courts for the same services.

Fifth—**TAKING EVIDENCE AND REPORTING WITH CONCLUSIONS.]** For taking evidence and reporting the same, with conclusions as to the facts, or as to the law and the facts, the same fees as for taking and reporting testimony under order of court and, in addition thereto for each hour or fractional hour occupied in hearing arguments, and for each hour occupied in preparing the report, one dollar (\$1) in counties of the first and second classes and two dollars (\$2) in counties of the third class: *Provided, however,* that in no case shall more than ten (10) hours be allowed for the preparing of the report.

Sixth—**MAKING SALES AND DEEDS.]** For making sales and deeds thereunder, the same fees and allowances as are provided by law for sheriffs.

Seventh—**MAKING DEED ALONE.]** For making a deed alone in other cases when required by order or decree of court, three dollars (\$3).

Eighth—**REPORT OF SALE.]** For a report of sale in every action or proceeding when any sale is had, two dollars (\$2).

Ninth—**NE EXEAT OR INJUNCTION.]** For hearing and deciding an application for a writ of ne exeat or injunction, to be advanced by the plaintiff and to be taxed with the costs, five dollars (\$5).

Tenth—HABEAS CORPUS OR CERTIORARI.] For ordering or refusing to order a writ of habeas corpus or certiorari, to be advanced by the party applying for such writ and to be taxed with the costs, two dollars (\$2).

But nothing herein contained shall be construed to require the payment of any master's fees in any case where by the terms of this Act, no deposit of costs is required, excepting that a party requesting the master to return evidence with his report in any such case shall pay the fees of the stenographer for transcribing the testimony, unless the court shall otherwise direct.

SEC. 32. PAYMENT OF FEES.] Such fees shall be paid for the services of a master in chancery and for stenographer's services for the benefit of the County as are herein hereinabove provided and as may from time to time be specified and fixed by law, or by the court, whenever the court has by law the power to fix such fees; and all such fees shall be paid to the clerk of the court of which the master in chancery is an officer, for the benefit of the County, upon the certificate of the master showing the amount and items of such fees; and such fees, whenever the amount can be definitely ascertained, excepting as may be otherwise provided by law or unless the court shall order otherwise, shall be paid in advance; provided, however, nothing in this section contained shall be construed to prevent the payment of such compensation as the court may direct in any action or matter to any special master in chancery, who is not a general master in chancery under this Act.

SEC. 33. FEES OF SPECIAL MASTER.] The fees of a special master in chancery shall be such as may be fixed by the court and the same shall be paid in such manner and by such of the parties as the court may direct.

EXHIBIT B.

REPORT OF SPECIAL COMMITTEE ON MASTERS IN CHANCERY — THEIR COMPENSATION, TENURE, POWERS AND DUTIES.

SUMMARY OF REPORT.

We find in the office of Master in Chancery one of our most valuable inheritances from both the English and the civil law, and recommend measures which we believe will strengthen the office and increase its usefulness.

For the 84 Counties having each a population of under 50,000, and 9 Counties, having each between 50,000 and 75,000 of popu-

lation, there is no urgent call for any change.

For Cook County with its 2,500,000 population, changes are urgently needed.

Between these extremes there are two Counties which have each above 100,000, and six Counties having each between 75,000 and 100,000 population.

We find that the Constitution of the State classifies the Counties of the State for purposes of fees and salaries of public officers, and puts Cook County into a class by itself.

We recommend changes for the Cook County practice as to Masters in Chancery, and that the results of these changes be watched with a view to their gradual extension.

We find that the Judges of the Circuit Court of Cook County, and several of the Committees both of the Cook County Masters themselves and of the Chicago Bar Association have been at work upon these proposals for years; and that the fruits of their efforts were embodied, two years ago, in Senate Bill No. 105 of the 48th General Assembly,—and we recommend that legislation along these general lines be approved by this Association and that a special committee be appointed to present the views of the Association to the Legislature.

We find that in New Jersey, in England, and in part in Canada, the officers corresponding to our Masters in Chancery (1) are appointed by the Chancellors, (2) hold during good behavior, (3) are paid fixed salaries by the State, (4) devote their whole time to their official duties, and are provided with (5) court rooms, (6) clerks, (7) stenographers and (8) bailiffs or process-servers, by the State.

We find that in the States named the officers corresponding to our Masters do for all courts (common law as well as chancery) a large amount of work of the secretarial, administrative and judicial types, and greatly expedite, and improve the efficiency of the Courts.

We recommend that the laws of Illinois be so amended that for Counties of the third class, viz.: Cook County, approximately this system be adopted, except that we recommend that the term of office be fixed at six years.

The changes in length of term, and increase of powers, should extend to Masters generally.

To the Illinois State Bar Association, Hon. Edward C. Kramer, President.

At the last annual meeting on May 28, 1914, the Association adopted a motion that "the entire subject of compensation of Masters in Chancery by fees or by salaries (with the differing views thereon and a comparative statement of the practice in other jurisdictions) be referred to the Executive Committee with a request that at the next annual meeting of this body a comprehensive report be made thereon." (Ill. State Bar Ass'n, Proceedings of 1914, p. 271.)

The Executive Committee deemed the matter of such importance that they caused the appointment of a special committee of five to prepare the report. Those originally appointed included John M. Lansden, Esq., of Cairo, who rendered valuable assistance, but was impelled by absorption in other duties and other reasons to resign, whereupon his place was filled by the appointment of W. E. Knowles, Esq., of East St. Louis.

The Committee have been informed with valuable suggestions from many of the Circuit Judges throughout the State; and from Masters in Cook County; and have learned with interest of the informal Master's Association in Cook County, whose meeting has been attended by the Chairman of your Committee, and at which valuable suggestions were received.

MASTERS' COMPENSATION—FEES OR SALARIES.

The question whether public officers shall be compensated by fees or by fixed salaries is an old one, but as to each particular office affected involves fresh consideration. Historically officers whose services were required only transiently, irregularly and for brief periods were naturally compensated for those services when and as the services were rendered. This is the fee system.

On the other hand, officers whose services are regularly required for periods and amounts of service which approximate a uniform and steady demand for the whole or greater portion of the officer's time, are naturally compensated by fixed salaries.

When the services required of an office grow to a volume approximating such uniform and steady demand, the transfer of the office from the fee system to the salary system of compensation will be in order. The office of Master in Chancery presents no exception to this tendency.

ILLINOIS CONDITIONS GENERALLY—COOK COUNTY CONDITIONS CONSTITUTIONAL AND STATUTORY PROVISIONS.

In the State outside of Cook County the inquiries we have made indicate that for most of these counties the duties of the office are still of the moderate and varying volume and transient character of which the fee system is the natural method of compensation; and the courts and bar seem satisfied with the workings of the existing system. The general proposition holds true that references to Masters in the country are comparatively infrequent, are expensive; and in the language of an eminent Circuit Judge: "In the country, where litigation seldom refers to very important matters, we hesitate to saddle the parties with the unnecessary expense." (Letter of Judge Dorrance Dibell.)

That Cook County presents a different condition from the other counties in respect to official fees has been recognized ever since the adoption of the Constitution of 1870. That Constitution by Article X, Sec. 12, authorizes the classification of counties by population for the regulation of fees; and the Act on Fees and Salaries (Revised Statutes Ch. 53, Sec. 13,—Act of March 29, 1872), classified Cook county by itself as a county of the third class. And this classification for purposes of official fees has been adhered to ever since; and the fee of masters in chancery for Cook county accordingly have been so separately dealt with in the Statutes of the State.

Section 20 of the Act of 1872 on Fees and Salaries relates to Masters' Fees. Originally it gave simply a schedule of fees for specified services. By Act of May 25, 1877, it was amended by adding the following:

"In counties of the third class" (i. e. Cook county), masters in chancery may receive for examining questions in issue referred to them, and reporting conclusions thereon, such compensation as the court may deem just, and for services not enumerated above in this section and which have been and may be imposed by statute or special order, they may receive such fees as the court may allow."

The Act of April 22, 1907, further amended the Section by including in the subjects for which the discretionary fees were allowed in Cook county—

Cases where the defendants are in default, but under the order of reference the master is required to find and report conclusions," and by adding the provision that the court may include in the master's fees in Cook county reasonable allowance not exceeding fifteen cents per hundred words for stenographer's services.

These enactments recognize substantial differences between Cook county and other counties in the work and compensation of masters in chancery. And these differences have been generally recognized in the proceedings of this Association.

The fact that for more than twenty years the courts of Cook county have found it necessary to call in Circuit Judges from the outside Circuits to assist in performing the work of the courts of Cook county is itself a clear proof of the congested state of our dockets and of the need of measure of relief.

In 1892 Hon. James M. Riggs of Winchester, in his annual address as President of this Association, referred to Cook county as needing and receiving different enactments affecting its judiciary, because as he said, it constitutes "an empire in itself." (Ill. St. Bar Ass'n. Proc. 1892, p. 61.)

These differences manifest themselves in the volume of business and methods of dealing with cases in the master's office as well as elsewhere, and justify regulations of masters' practice and compensation which are not necessary for all counties.

The Constitution of 1870 (Art. 6, Sec. 13), contemplated circuits having a population of 100,000 each and one Circuit Judge for each circuit, but gave the Legislature power to change this.

Under the Act of April 23, 1897 (2 Jones & Addington's Statutes, Ch. 37, §§ 3070, 71), the State outside of Cook county is divided into seventeen circuits with three judges of the Circuit Court to each circuit, giving 51 Circuit Judges; and the original conception of the master as the representative of the chancellor naturally suggests one master for each chancellor; but the Masters Act of April 4, 1872, (R. S. Ch. 90, Sec. 1), provides that "the several Circuit Courts may appoint in the respective counties in their circuits a master in chancery." This gives authority for a master in each county.

ILLINOIS COUNTIES—POPULATION.

According to the U. S. Census of 1910, in Illinois there are 51 counties (just half of the total of 102 counties in the State) which have a population respectively of less than 25,000, and which (it may be inferred from the replies received) the Circuit Courts do not employ the time and service of a master for more than 30 to 40 days out of the 300 working days of the year. (Thus Judge Creighton writes that "in counties like Scott" (pop. 10,067, "Jersey" (pop. 14,000) "and Greene" (pop. 22,363) "not much time is required for master's services.")

There are 33 other counties which have a population respectively between 25,000 and 50,000 which it may conservatively be assumed do not employ the master's time and services for more than 60 days; (thus in Marion county (pop. 35,000) Mr. Noleman estimates that the master's time is taken for from 3 to 5 days per month or 60 days per annum; while in Alexander County (pop. 22,741) Mr. Lansden estimates that the master's time is taken for 4 weeks, or less than 30 days per annum.)

There are 9 other counties having a population respectively of between 50,000 and 75,000, which it may be assumed do not employ the master for more than 125 days, per annum. Aside from Cook, this leaves 6 counties having a population of between 75,000 and 100,000, and 2 counties having a population of over 100,000, viz.: Peoria county with a population of 100,255, and St. Clair county with a population of 119,870.

As to the 6 counties having between 75,000 and 100,000 and the two having between 100,000 and 120,000, they are probably fairly illustrated by St. Clair county and Sangamon county with its population of 91,000, each of which furnishes the master a suite of offices in the Court House and keeps him employed for his entire time. At the same rate of population as Sangamon county—Cook county would need the entire time of 23 masters. St. Clair county has the aid of the master of the City Court of East St. Louis, who devotes practically all his time to the work.

MASTERS IN COOK COUNTY.

It is obvious that no rule for the amount of work needed by the county of 2,500,000 population can be drawn from the experience of the 84 counties which have less than 50,000 population each, or less than 2 per cent of the population of Cook county; and it is also clear that the fee system which by reason of the fluctuating and modest volume of cases requiring master's services, would work well in the majority of the counties of the State, would not therefore be the desirable system for Cook county.

In Cook county the Circuit Court has fourteen masters, and the Superior Court, co-ordinate jurisdiction with the Circuit Court, has eighteen, making thirty-two masters in chancery. And if six be added by the new Judges under Act of 1915, there will be 38.

As to Chicago and Cook county it is common knowledge among the resident lawyers that several of the masters are kept continually busy hearing cases throughout the year, a single master frequently carrying on two, three, and even more hearings simultaneously in adjoining rooms; and the fees earned by the busier masters are estimated by some of the masters and judges in reply to our inquiries, to range from \$7,000 to \$15,000 in a year.

MASTERS—ACTION OF THE CHICAGO BAR ASSOCIATION.

In 1912-13 the officers and committee of the Chicago Bar Association itself gave extensive consideration to the subject. Three bills for enactment into Statutes on the subject were then prepared, one by the late master, George Mills Rogers, one by Millard R. Powers, Esq., and one by Hon. Hiram T. Gilbert, then a member of the Legis-

lature. These were referred by the Board of Managers of the Association to a special Committee of Masters consisting of Thomas Taylor, Jr., George Mills Rogers and Roswell B. Mason, who prepared a bill embodying features of all three bills and which was considered at length at conference with, and was approved by the Committee on Rules of Court, consisting of George W. Miller, Edgar B. Tolman, Albert M. Kales, Horace Kent Tenney, Joseph W. Moses and James G. Condon. Meanwhile Judge Hiram T. Gilbert had introduced into the Senate the bill as drafted by himself with modifications conforming in the main to the Association Bill, and which was known as Senate Bill No. 105. (We are indebted for this information to Hon. Edgar B. Tolman, Thomas Taylor, Esq., and to Clarence P. Dunning, Esq., Assistant Secretary of the Bar Association.) We append copies of the Association Bill as Exhibit No. 6, and of Senate Bill No. 105 as Exhibit No. 7.

Aside from minor variations the principal differences between these two bills are (1) that the Association Bill makes the tenure of office "during good behavior or until a successor is appointed" while Senate Bill makes it for a fixed term of six years; and (2) that Senate Bill No. 105, by its Sections 11-33, sets out with considerable detail provisions, rules and forms; and also somewhat enlarges the scope of the office thereby enabling the masters to perform administrative functions for Courts of Law as well as equity, and for the County, Probate, Municipal and City Courts of their respective counties.

When it is recalled that our Constitution defines an office as "a public position created by the Constitution or law, continuing *during the pleasure of the appointing power*. Or for a fixed time, with a successor, elected or appointed," (Const. '70, Art. V, Sec. 24), and that masters in chancery were from the earliest times appointed by the Lord Chancellor to hold during his or the King's pleasure (i. e. good behavior) it appears that this provision of the Association Bill for making the terms of masters continue during good behavior is constitutional. If this clause should be preferred to the six years recommended by the committee (and requiring for removal good cause shown and specified in writing after giving the respondent due notice and an opportunity to be heard in defense) all doubt would be eliminated by making the provision read "during good behavior in the pleasure of the Circuit Court appointing same;" but the fixed term of six years is more in consonance with the terms of judicial office and doubtless will be preferred by the masters themselves.

MASTERS IN COOK COUNTY—THE PROBLEM STATED.

Upon investigation it became apparent immediately that the question of a choice (a) between the fee system and the salary system cannot wisely be separated from that of (b) the amount of work to be done, (c) the number of masters by whom the work is to be performed, (d) the tenure of office of the masters, (e) the expense of attending the office, (f) the opportunities for private practice, (g) the standing and dignity of the office, (h) nor from other considerations.

Further the subject is necessarily related to the general system of judicial costs of which it is a part.

So long as the term of office is only two years, the master cannot be expected to give up his private practice. So long as the business is so distributed that half of the masters do the bulk of the work, and the rest do little, they cannot be expected to give up private practice; and so long as half the masters do the bulk of the work and get the bulk of the fees, there will be a sharp division of opinion among them and their friends on the issue between fees and salaries. Some will strongly favor one and some the other. But if the term be made during six years or good behavior, the office in the Court House be furnished, as it is now in several of the counties, and the salary of \$8,500 proposed by the Association Bill (or the graduated salary hereinafter suggested) be provided by law, and the business distributed among them with approximate uniformity and impartiality, and all fees be covered into the treasury, the objections disappear, the work of the courts will be greatly expedited, and their usefulness increased.

COURT TRIALS AND MASTERS' HEARINGS—EXPENSES CONTRASTED.

Another phase of the question is presented by the contrast between fee bills for common law trials and trials by masters in chancery. In most cases on the common law side, the initial fees of \$10.00 by the plaintiff and \$3.00 by the defendant (R. S. Ch. 53, Sec. 33) are all the fees that are ever paid into the public treasury.

The personal injury cases which crowd our dockets and occupy the great bulk of the time of the courts and juries, pay nothing more. The county pays the bill of expense for the trial, because it is required to by law.

But on the chancery side where cases are referred to masters, the cost of hearing is paid by the parties in masters' fees. The trials at common law are paid for by the public; trials in chancery are paid for by the parties without expense to the public.

We have been furnished by the County Clerk and Comptroller of Cook county with figures (Exhibit 5) which show that the net

administrative expense to the county for each day of trial work amounts to over \$100.00 (about \$125.00 a day net for each court room). This is borne by the public, while for similar work in the master's office the litigants now pay, and under the proposed legislation will continue to pay. This is not an objection to the proposed legislation concerning masters' compensation, but it suggests that a modification of our general system of costs is in order, by which litigants whose cases are tried by the court shall pay a larger portion than now of the costs of litigation.

TAXATION OF INTERLOCUTORY COSTS—TAXING OFFICER.

With regard to the whole subject of taxation of costs and fees it is believed that many interlocutory costs should be imposed to expedite procedure and reduce the amount of interlocutory proceedings and that it will be an improvement if a Chief Clerk in each court were made a taxing officer and required to make out bills of interlocutory costs; and it would further improve the practice if reasonable motion costs and trial costs were imposed as a rule, letting the omission thereof be the exception.

NUMBER OF MASTERS—DISTRIBUTION OF BUSINESS.

There are objections to the system of having one Master for each judge, who seemingly becomes or may be supposed (however erroneously) to become the personal representatives of particular judges; and in proportion as there is ground for such opinion, the objections increase. The judge who appoints a particular master may be assigned to the Criminal or Appellate Court or to the common law docket during that period (unless some system for uniform distribution of cases is maintained); that judge will be making no orders of reference in chancery; and the corresponding master will receive fewer references than when that judge sits in chancery. The English practice requires the assignment to be by a rotation which secures uniformity.

We have received lists of the number of references to the different masters of the Circuit Court of Cook county during the period December 3, 1912 to April 10, 1915, which is as follows:

Master	Cases
Ball	215
Doyle	182
Mason	284
Browning	127
Elms	126
Rogers-Harvard	117
Jamieson	68

PROCEEDINGS.

Nickwood	52
Sam Behan	49
Wait	48
Sullivan	43
Zeiler	50
Condee	31
Taylor (special master) not reappointed as general master but 36 reappointed as special master to finish cases on hearing)	
Folsom	18
(For 14 masters this would average 103 cases each in the 2 years 4 months and one week (say 28 months) or almost four cases per master per month.)	

Aside from these there were occasional references to others as special masters.

And we have received a similar list for the Superior Court of Cook county, which is as follows:

Many references go to particular masters by agreement of counsel. This fact explains in a large part the other fact that 4 masters out of 14 had more than half of all the references for the period.

THE MASTER AS A JUDICIAL OFFICER—THE SYSTEM IN NEW JERSEY,

ENGLAND AND ONTARIO.

In New Jersey and England, the officers corresponding to our masters in chancery (1) are appointed by the chancellor, (2) hold during good behavior, (3) are paid fixed salaries by the state, (4) give their whole time to their official duties; and are provided with (5) court rooms, (6) clerks, (7) stenographers and (8) bailiffs or sergeants by the state. And the same is in part true in Canada also.

Other states such as Massachusetts pay fixed allowances which are supplemented by allowances agreed on by the parties.

In Ontario the conditions of population and business have many points of similarity to our own. The province has a population of over 2,500,000, of whom over 376,000 reside in the Metropolis, Toronto. In the Metropolis there is one Master-in-Ordinary who is appointed for life on good conduct, who is paid a salary (of \$4,000 per annum), is furnished with a court room, two clerks and two stenographers. The business of the Metropolis has become much too large for the one Master-in-Ordinary, and the increased business is handled by Official Referees, and of these there are as many as the Lieutenant Governor in Council may deem necessary. The Referees are paid only by fees in the particular cases; and their appointment does not preclude their conducting a general practice.

In addition there are Local Masters in each County town and (save where the Local Judge acts as Master) are practicing barristers paid by fees.

Outside the Metropolis, therefore, the situation is somewhat similar to that in Illinois; and in the Metropolis there is the Master-in-Ordinary, who exemplifies the system of a permanent Judicial officer devoting his time to the State; but the gradual increase of business, instead of being provided for by additional permanent judicial officers, is transacted by practicing lawyers paid by fees only.

The compensation, relation to practice, and methods of distributing business to the Referees are quite similar to those of masters in Cook county.

And this part of the Ontario system presents faults similar to those which may be found here.

The summary of the situation by Hon. Justice W. E. Middleton, concurred in and emphasized by Hon. Justice William Renwick Riddell (our distinguished guest of last year), is so cogent and instructive, that we embody it here. It is as follows:

April 26th, 1915.

DEAR SIR:

Mr. Justice Riddell has handed me your letter of the 14th of April and asked me to write you concerning the matters touching which you address him.

At the present time no part of our administration is, I venture to think, in so entirely unsatisfactory a position as that to which you refer. Among the officers of the Supreme Court are a Master in Ordinary and as many Official Referees as the Lieutenant-Governor in Council may deem necessary. The Master in Ordinary is a regular officer of the court, and he has his office in Osgoods Hall and is paid a salary by the Province. No qualifications are pointed out by the statute, but the occupant of the office has always been a barrister of standing and some experience. Official Referees, on the other hand, are practicing barristers, and their appointment does not preclude their conducting a general practice. They are enumerated only by fees.

In addition to Referees in Toronto, there are Local Masters in each County Town. In most instances the County Court Judge has been appointed Local Master, but not invariably so. The County Judges are appointed by the Dominion; the Local Masters are appointed by the Province. If the same political party is in power in the Dominion and the Province, then the Local Judge probably receives both offices; if not, a practicing barrister may be appointed as Master, and his appointment does not preclude his practicing, unless he is paid by salary.

Ordinary matters which are proper to be referred in Toronto are referred to the Master in Ordinary. He has a Chief Clerk and other clerical assistance, but there is such congestion of business in his office as to make it necessary to refer matters to one or other of the Official Referees.

The Statute dealing with references is the Judicature Act, section 64 to 68, of which I append a copy. In addition to matters dealt with under this statute, there are the references necessary in the winding up of insolvent companies under the Dominion Winding Up Act, also the necessary references in mortgage actions and kindred cases.

Under our system, fees are payable in law stamps upon all legal proceedings, payment for stamps going to the Province as part of its revenue. The fees payable to a Master are \$1.50 per hour, with some minor fees upon drafting and issuing of reports, and the issuing of appointments. Referees are entitled to charge the same fees, but to take them in cash for their own use. As the Referee has to provide his own office and his own staff, it is manifest that these fees do not constitute an adequate remuneration. Some of the Referees who have been appointed are also salaried officers whose whole time is not devoted to the duties of their office. These referees are not supposed to take any fees to their own use, but some claim to be entitled to retain the fees received, under the color of "special commissions" constituting them Official Referees.

The vice of this situation is obvious. The Referee is, if human, kindly disposed to the solicitor bringing him business, and an adequate remuneration has to be secured by some subterfuge such as the allowance of excessive fees to liquidators, or receivers on the understanding that some allowance will be made to the Referee out of the fees so paid.

It is altogether likely that our Government will look into this situation in the near future and that some remedy will be applied.

Dealing now with your specific queries, in so far as they are not answered by what is already written: (A full set of these questions appears in Exhibit No. 4, in the answers of Mr. Godkin.)

(1) Covered already, save that the tenure of office is life and good conduct.

(2) The Master in Ordinary, and Local Masters who are Judges, are supposed to devote their whole time to the duties of their office; Official Referees and Masters who are permitted to practice, only the time required.

(3) References are not made to Masters or Referees except where absolutely necessary. Winding-up orders and foreclosure actions are necessarily referred. Contested cases are never referred except by consent—seldom given—unless the whole matter in controversy substantially consists of accounting, e. g., in partnership cases. The salary of the Master in Ordinary is \$4000 per annum. Local Masters and Official Referees make much less.

(4) There is no method of securing uniformity of distribution of work among the Official Referees. Some are supposed to be more efficient than others, and so secure the bulk of the business not

referred to the Master in Ordinary. One Official Referee has general charge of the Mechanics' Lien procedure.

(5) Answered above.

(6) Where matters are referred to a Master or Referee he deals with the matter referred to him, and his report is conclusive unless appealed from. Commonly the whole cause is referred without any reservation of further directions and the question of costs, but sometimes further directions and costs are reserved for the court.

(7) The Masters and Referees are required to keep dockets, but are not required to report to the court save by the report in the specific matter referred.

(8) A Master may hear any motion relating to practice and procedure with reference to any cause referred to him, but he has not power to grant an injunction or to modify an injunction already granted. This power rests with the court alone.

(9) Our Bar Association has not taken any action with reference to this matter.

(10) Answered above.

(11) A Master in Ordinary is provided with a salaried stenographer. The evidence is not transcribed except for the purpose of an appeal, when transcripts are furnished at the ordinary rate. If a Local Master or Official Referee desires the assistance of a stenographer, he makes his own arrangements, and no costs are allowed unless by agreement between the solicitors. Upon an appeal the stenographer receives the ordinary stenographers fees for the copy.

From what I have said above, it is plain that I regard our present system, by which Masters and Referees are permitted to practice, and by which they are paid fees, as fundamentally vicious and altogether wrong, and as constituting an abuse which sooner or later will cause public scandal.

I purpose giving this to Mr. Justice Riddell, who will probably forward it to you with his own comments.

Yours faithfully,

W. E. MIDDLETON.

MERRITT STARR, Esq.,

1522 First National Bank Bldg.,
Chicago, Ill., U. S. A.

I entirely agree with the above. When in the High Court Division (proper) I often found fault with the system—a relic of olden (and worse) times. You may be quite certain that anything I can do for my brethren of your Bar will be a pleasure.

Yours truly,

WILLIAM RENWICK RIDDELL."

**"REFERENCES TO OFFICIAL AND SPECIAL REFEREES.
The Judicature Act, (Chap. 56.)**

64. (1) Subject to the Rules and to any right to have particular cases tried by a jury, a judge of the High Court Division may refer any question arising in an action for inquiry and report either to an official referee or to a special referee agreed upon by the parties.

(2) Subsection I shall not, unless with the consent of His Majesty, authorize the reference to an official referee of an action to which his Majesty is a party or of any question or issue therein. 3-4 Geo. V. c. 19, s. 64.

65. In an action, (a) if all the parties interested who are not under disability consent, and where there are parties under disability the Judge is of opinion that the reference should be made and the other parties interested consent; or, (b) where a prolonged examination of documents or a scientific or local investigation is required which cannot in the opinion of the court or a judge conveniently be made before a jury or conducted by the court directly; or, (c) where the question in dispute consists wholly or partly of matters of account, a judge of the High Court Division may at any time refer the whole action or any question of issue or fact arising therein or question of account either to an official referee or to a special referee agreed upon by the parties. 3-4 Geo. V. c. 19, sec. 65.

66. (1) In the case of a referee to a special referee he shall be deemed to be an officer of the court.

(2) The remuneration to be paid to a special referee may be determined by a judge of the High Court Division.

(3) The remuneration, fees, charges and disbursements payable to an official referee, and in the absence of any special direction to a special referee shall be the same as are payable to a local master.

(4) Where the Judge at the trial instead of trying an action refers the whole action under the provision of section 65 to an official referee who is a local registrar or deputy registrar, a deputy Clerk of the Crown and pleas, a local Master or other officer of the court, paid wholly or partly by salary, no fees, either in law stamps or otherwise, shall be charged by the referee. 3-4 Geo. V. c. 19, s. 66.

67. The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report, of a master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to a Divisional Court. 3-4 Geo. V. c. 19, s. 67.

68. The evidence of witnesses examined upon the reference, and the exhibits shall forthwith, after the making of the report, be transmitted by the referee to the proper officer of the court. 3-4 Geo. V. c. 19, s. 68."

These acute and searching criticisms (with modifications of course) furnish food for reflection and warn us against the inevitable consequences of adhering to the fee system.

That Ontario, having the Master established as a permanent salaried judicial officer, should have allowed the fee system to creep in and establish itself alongside, illustrates the universal human tendency to follow the lines of least resistance and accept easy substitutes, which in the end disclose their own defects.

New York, Pennsylvania and Massachusetts have practically abolished the office, and substituted referees (N. Y.), auditors (Mass.), or additional judges (Pa.). Different states have widely varying provisions for the Masters in respect to the items of equipment and expense enumerated above; but New Jersey, and England, fully exemplify the system of treating the Master as a permanent judicial officer of the State, paid and provided for by the State.

The superiority of development of the equity practice in New Jersey and England is in all probability connected with this complete adoption of the principle that the officer is a permanent judicial officer.

Several Counties in Illinois provide offices for the Master in the Court House. If this rule were made general and applied in Cook County, it would in itself increase the number of references and help to relieve the courts.

The principle that the officer should be a permanent judicial officer of the State and provided for as such seems to be the sound basic principle upon which a revision of the practice should be grounded. We set out here a summary of the proposed bills.

Obviously the Masters who have only a few references and so only a few fees could not retire from practicing law. Obviously those who have the largest number of references but who hold for only two years could not retire from practicing law.

A systematic provision of the practice along the lines of the practice in England and New Jersey would tend to remove objections and encourage the best judicial minds to accept permanent service as Masters in Chancery. It is believed by the committee that the public welfare will be promoted by graduating the salary somewhat as follows:

For the Master's first term of six years, let the salary be \$7000 per annum, for the second term of six years let the salary be \$8000 per annum, and for the third term of six years and all ensuing terms let the salary be \$9500 per annum; and when a Master has served for four terms or more and attained the age of 65 years let him have a retiring allowance of \$3500 a year. This will reward good service, strengthen the Master's position, and tend to secure the best grade of service.

LEGISLATION PROPOSED BY CHICAGO BAR ASSOCIATION.

Reverting to the Legislation proposed by the Chicago Bar Association, it provides that the fees paid in by the parties will constitute a fund from which Master's salaries will be paid.

Another body of fees received by the Masters comes from foreclosure and partition sales and other judicial sales conducted by Masters, and which are by the Act made "the same fees and allowances as sheriffs." (R. S. Ch. 53, Sec. 20).

The reasonable estimate of the Committee of the City Association was that the fees paid into the Treasury would more than equal the salaries paid out.

But under the proposed legislation, with the Masters provided with officers adjacent to the judges, they would hear and determine a multitude of motions in settling issues, entering defaults, assessing damages, and the like, and thereby relieving the judges of this work and saving their time for hearings upon the merits. This would be a large gain to the public service. And if motion fees for these services were taxes under the statutes, the public treasury also would be the gainer.

(It will be observed that the proposed bills would not affect the service or compensation allowed by law to Masters for such services as taking foreign depositions.)

Upon their main lines these bills both conform largely to the modern English practice so admirably summarized in the report of Hon. James Austen-Cartmell appended hereto; and your Committee recommends that for Counties of the third class (i. e., Cook County) the Senate Bill modified as herein suggested receive the approval of this Association.

SUMMARY OF THE SENATE BILL, WITH NOTES AS TO ASSOCIATION BILL.**SEC. 1. *Appointment.***

Appointment by the Circuit Court, one for each County other than Cook.

For Cook County by the Circuit and Superior Courts the number found necessary not exceeding one for every two judges, of the respective courts. (The Association Bill required each appointment to receive the votes of at least two-thirds of the judges appointing them.)

SEC. 2. *Term of Office—Provides for a Term of Six Years.*

(The Chicago Bar Association Bill provided for tenure during good behavior). Special provision for removal by an order signed by majority of judges, appears in both bills.

SEC. 3. Vacancies—To be Filled by Appointment for Balance of Term.

SEC. 4. Bond and Oath. Term, amount and security of Bond to be determined and approved by court. (The Association Bill by Section 15 provided for additional bonds by order of court whenever necessary by custody of funds, etc.)

SEC. 5. Special Master. Provision for Appointment on request in absence or disqualification of Master. Court to fix compensation.

SEC. 6. General Powers. Similar to existing law, but adds references to other provisions, *infra*.

SEC. 7. Death of Master—Power of Successor.

SEC. 8. Salaries. To be fixed by the court at time of appointment;—from \$300 to \$8000 (the Cook County Bar Bill gave \$8500, and provided that all Masters in the same Circuit should have equal salaries) payable quarterly out of the County Treasury. Fees collected to be turned into the County Treasury monthly.

Masters' Accounts to be audited at the expense of the County.

(The Association Bill by Sec. 13, requires a financial report to be filed by the Master twice a year, viz.: In June and December, and make as failure so to do cause for removal.)

SEC. 9. Master to be Provided with Rooms, Stationery, etc. Expense of the office to be paid by the county.

SEC. 10. Master not to practice Law When

(Senate Bill says: "When the Chancery business occupies the time of one or more judges for the entire year")—Bar Association Bill says "No Master who shall receive a salary of \$5000.00 per annum shall practice law." The effect at this time will be the same, viz.: To confine this provision to Cook county.

(The provisions which follow are in the main not expressly set forth in the Association Bill.)

SEC. 11. Defaults may be certified and damages assessed by Masters on Affidavits.

SEC. 12. Defaults. No costs allowed or attendance required on assessment of damages on defaults.

SEC. 13. References to Master may be Ordered when

(1) For taking evidence in Chancery cases and also in cases at law where there is to be no trial by jury.

(2) For determination of issues in cases so referable.

(3) For the hearing and determination of any other matter in an action in equity, or in an action at law which in the opinion of the court may be more conveniently, expeditiously or advantageously heard, and determined, by a reference to a Master than without such reference.

SEC. 14. Procedure before Master to be in like manner in an open Court—reasonable notice—postponements to be allowed when proper.

SEC. 15. Master's Duties.

Before hearing evidence the Master shall.

- (1) ascertain what facts are *admitted*; and
- (2) what facts are in dispute—
- (3) shall endeavor to secure admissions as to facts not intended to be disputed.

The Master shall limit the evidence to the facts actually in Dispute.

Special costs may be awarded for vexatious refusal to admit facts on which there is no real or substantial dispute.

Evidence may be reported stenographically and by other devices, or typewritten as taken without stenography.

Transcripts and duplicates to be prepared as Master directs or parties order; but no transcript of evidence taken down as heard need be made unless ordered by a party or required by the order of reference, —or deemed proper by the Master of his own motion.

SEC. 16. Master's report—Frame of—

The Section directs what formal parts shall be given and what omitted, and requires the statement in separate paragraphs (without argument) of conclusions as to fact and as to law, with specifications for reports upon interlocutory matters.

SEC. 17. Documents, Papers, Books of Account.

The Section gives directions in this matter in order to secure brevity and avoid expense.

SEC. 18. Exhibits and documents which are not disputed are not to be returned except as embodied in substance in the report.

SEC. 19. *Reports, Formal Requests*,—to be typewritten, signed, labeled, with dates of reference and report, and attached to the report of evidence and copies furnished to parties.

SEC. 20. *Reports—Special Forms of*: For the report in the different classes of cases.

SEC. 21. Master's Report to be accompanied by Draft of Order; judgment, decree, injunction, etc., and upon order by Master appointing receiver. Master shall pass upon the sufficiency of the bond if required, and return same.

SEC. 22. *Motions and Administrative Matters*. Court by rules may provide that certain motions and matters specified in the rules may be heard by Masters in the first instance, who shall report determination thereof.

SEC. 23. *Objections and Exceptions to Master's Report—Made Unnecessary*. All meritorious objections are preserved without noting same; except that upon Master's statements of accounts the items objected to must be specified.

SEC. 24. *Evidence erroneously excluded by Master may be heard by Court*. Irregular Proceedings before the Master may be corrected without re-reference.

SEC. 25. *Several Masters—Division of Business.*

Provides for a division of the volume of business among Masters by rule of Court with a provision that parties may by agreement designate the Masters to whom references may be heard.

SEC. 26. *Costs—Deposits for.* The Section provides for deposits of sums for costs with the Master before and as the cause proceeds; forbids the withholding of the report, and for enforcement of payment by attachment.

Excluded from the requirement of deposits

- (1) causes not involving over \$1000.00
- (2) motion hearing; and
- (3) any other matters in which the court is of opinion that the advance of costs should not be required.

SEC. 27. *Return of Evidence—Expense of taxed to party requiring.*

The party requiring the Master to return with his report the evidence when same is not required without such request shall pay the cost of same.

SEC. 28. *Master's Reports of Sales.* The Section enumerates the requisites of and provides forms for Master's Reports of sales.

SEC. 29. *Other Duties—Services to County and Probate, Municipal and City Courts.* Provisions are here made authorizing Masters to perform other duties as required by the Court, and all duties which may properly be performed by Masters in the County and Probate, Municipal and City Courts of their respective Counties, subject only to regulation by the courts appointing them or by the Supreme Court.

SEC. 30. *Other Matters of Procedure before Masters.*

These shall be according to the rules of the appointing court or of the Supreme Court and to the general usage and practice of courts of equity.

SEC. 31. *Schedule of Fees for Master's Services.*

SEC. 32. *Collection of Fees in Advance required.* Master made personally responsible for their collection.

SEC. 33. *Fees of Special Master shall be fixed by the court and paid as it shall direct.*

Observation, experience and reflection make it plain that when the full time of a Master is required to perform the duties of the office, his usefulness to the public can be increased, his position dignified and better results obtained by so amending the law as to give the Master a long term of office, provide the Master with an office adjacent to the courts, provide him with reasonable clerical assistance, pay him a reasonable salary, fixed by law and in no way dependent upon the County Commissioners, or subject to executive or legislative interference.

The Master's Court will then become a court in all respects.

The Master's Court so established can be utilized for a vast amount of administrative and secretarial work as well as for the conduct of interlocutory hearings which now interrupt the procedure of equity courts, such as hearings on motion to strike out or amend pleadings, motion for bills of particulars, motions to pay into court, or for payment out from court of funds paid in; orders appointing guardians and for maintenance of children from trust funds, motions and orders for distribution amongst claimants; settlements of periodic accounts by receivers and trustees; taking defaults and assessing damages upon defaults.

The Chancery Courts of Cook county accumulate calendars of contested motions running up into the hundreds and taking much time and labor for disposition. The progress of the case to final hearing is often delayed for months by hearings upon a series of contested motions. And the Court in the desire to expedite matters often gives very short hearing to a motion which has an important bearing upon the final result. If the drift-wood of motions were systematically dispatched to and in the Master's office, the judge would have much more time for the deliberate and yet speedy hearing of causes upon their merits, and the other important matters reserved to him.

MASTERS AS ASSISTANT JUDGES—NEW RULE OF CIRCUIT COURTS OF COOK COUNTY.

Upon a smaller scale, a very similar course was recommended to the Circuit and Superior Courts by the "Committee on Rules" of the Chicago Bar Association and approved by the "Committee upon Help" of the Circuit Judges of Cook County, consisting of Judges John P. McGoorty, Merrit W. Pinckney, and Lockwood Honore. The report of these three judges favored the appointment of two of the Masters in Chancery as assistants to the judges, with the following powers recommended by the Committee on Rules of the Bar Association, viz.: Powers for

1. Hearing of suits at law by agreement of the parties under Chapter 117 R. S.
2. Hearing of all motions of course in common law and chancery cases.
3. Hearing of contested motions by agreement, in common law and chancery cases.
4. Hearing of motions for alimony and solicitor's fees in divorce and separate maintenance cases.
5. Hearing of applications to sue as poor persons.
6. Hearing of petitions for adoption and for change of name.
7. Hearing of applications to qualify sureties upon appeal, injunction and other bonds.

8. To make preliminary and first calls, hear motions to pass or set cases for trial, for rules to put cases at issue, and to dismiss or strike from the calendar dead cases.

9. Presiding at the examination of jurors in chambers while the court is completing the trial of cases.

10. Acting as guardians ad litem, commissioners in partition and burnt record proceedings, and receivers (their compensation to go into the County Treasury to provide for their salaries.)

For the details of this information, your committee are indebted to the letter of Judge Jesse A. Baldwin of April 12, 1915.

The Recommendation of the Committee on Rules was as follows:

"TENTATIVE DRAFT OF RULES PROVIDING FOR THE SELECTION OF MASTERS IN CHANCERY TO ACT AS ASSISTANTS TO THE JUDGES, RECOMMENDED BY THE COMMITTEE ON RULES OF COURT OF THE CHICAGO BAR ASSOCIATION FOR SUBMISSION TO THE JUDGES OF THE CIRCUIT AND SUPERIOR COURTS OF COOK COUNTY.

Upon the taking of the necessary action by the Board of Commissioners of Cook County the following Rules of Court as to the appointment of Assistant Judges, shall go into effect.

1. There shall be chosen by the executive committee of this court, six (6) of the Masters in Chancery of the (Circuit and Superior) courts, who shall be known as assistant judges, and shall continue to act as such at the pleasure of the executive committee.

2. Such assistant judges shall be provided, under the direction and supervision of the executive committee, with suitable rooms in the county building, and with all clerical assistance and material necessary for the transaction of the business of the office.

3. To aid in the more expeditious, efficient and economical administration of justice, the executive committee shall prescribe by general rule or order the ministerial services at law and in chancery which shall be performed by such assistant judges.

4. Each assistant judge shall receive such salary as shall be fixed by the executive committee, which salary shall not be less than five thousand dollars (\$5,000) per annum nor more than eight thousand dollars (\$8,000) per annum, and the same shall be payable monthly. He shall receive no other compensation for his services.

5. Each assistant judge shall charge, receive and collect for his services as Master in Chancery or otherwise such fees and compensation as may from time to time be authorized or fixed by law, or order of court, and shall keep accurate and itemized accounts thereof, and all fees collected by him in each calendar month in any capacity, shall be paid by him into the County Treasury on or before the 10th day of the next succeeding month. The accounts of such assistant

judges shall be audited under the direction and supervision of the executive committee.

6. Each Assistant Judge shall devote all his time to the work that may from time to time be prescribed for him, and shall not practice as an attorney at law, either in his own name or in the name of any other attorney while holding the position of assistant judge."

And error in the Master's office could be guarded against by giving to a party dissatisfied with the order which a Master proposes to make an opportunity (subject to motion costs to prevent abuse) to require the matter to be transferred to the judge and to be dealt with by him. This would make hearings of ordinary motions by the Master the ordinary rule, and their hearing by the judge matter of special order, instead of the reverse.

In a statute regulating the Master's powers he can be authorized to perform similar duties for all the courts of the county. And it is plain that for such a system it will be better to have the Master paid by fixed salary than by fees.

No question of compensation will then arise to influence, however unconsciously, the action of the Master.

FEE SYSTEM—OBJECTION TO

Some of the objections to the fee system are suggested by an editorial in the early Central Law Journal during the Editorship of Judges John F. Dillon and Seymour D. Thompson, which said:

"A referee (Master) sometimes finds himself sitting as a judge in his own case. His fees are to be taxed and collected as costs of the suit. Suppose then that the plaintiff is solvent and the defendant insolvent, he is under a direct temptation to decide in favor of the latter, knowing that if judgment goes against the insolvent party, he, the referee, will lose all compensation for his services. * * * No officer who is called on to act judicially should receive a fee dependent upon the event of the litigation." (5 Cent. L. J. 278, Sept. 28, 1877).

That editorial appeared in the St. Louis publication more than a generation ago. Most of the masters then in office have been gathered to their fathers. No personal reflection on any present master is contained or implied. But the defect of the fee system there indicated is unquestioned.

In order that the prompt payment of the master's compensation may be in no way dependent on the result of the suit, he should be paid a fixed salary, and the taxable fees should be paid into the County Treasury.

Under the Act of 1877 heretofore cited, the Cook County Masters receive for services in cases involving findings and conclusions "such

compensation as the court may deem just;" and for certain other special services "such compensation as the court may allow."

It is always desirable for the Master to avoid a contest in fixing these allowances; and not infrequently the parties, or counsel, agree upon the allowance. Occasionally they are asked to agree upon the allowance before the Master makes his report or begins the labor of formulating his findings and conclusions. While under the existing statute, this will tend to remove even the appearance of bias, yet the embarrassment is thereby transferred to the counsel and parties. Rightly or not, they fear that by declining to agree in advance upon a liberal allowance, they may induce an adverse bias. Like most such indefinite provisions in practice, it works fairly well in the majority of cases, but with occasional hardships.

Among the grounds upon which Lord Chancellor Bacon was impeached, was the confessed fact that he induced parties having or expecting litigation before him, to refer the cases to him informally as arbitrator, and then before making his award, he received liberal gratuities from both sides; and his biographer palliates the case by suggesting that this was then a common practice.

The desire of the Masters themselves to eliminate even the faintest ground of criticism prompts many of them to favor the salary system.

RULES FOR EXPEDITING BUSINESS BEFORE MASTERS.

It is to be observed that the mere provision for offices and expenses will not accomplish the improvements which we seek. Among the important provisions of the Senate Bill are those for lengthening the term of office and those of Section 15 for ascertaining what the disputed questions are and for confining the evidence to those questions; and those expressly authorizing the court to adopt rules regulating procedure in the Masters' offices. It would be well to borrow a provision from the Federal practice, such as the provision of Rule 47 of the new Federal Equity Rules of 1912, that unless otherwise ordered for good cause shown, the complainant's original proofs shall be put in within 60 days after reference, those of the defendant within 30 days after the close of complainant's time, and the rebutting evidence on both sides within 20 days after the close of defendant's time.

Such a rule would make reasonable speed the normal course, and postponement the exception, for which cause should be shown. It would not prevent the court from either requiring speedier proceeding or from granting additional time, in special cases.

And the rule might also well provide that the Master should report findings of fact and conclusions of law unless the order of ref-

erence or special rule on the particular subject shall otherwise provide. This would make findings the rule and omissions of findings the exception.

The evils of inconclusive reports and unregulated delays in the Master's office will appear everywhere unless anticipated and provided against. Hon. Moorefield Storey, President of the Massachusetts Bar Association for 1914, dealt with such delays as follows in his annual address:

(Delays in Master's Office—Moorefield Storey's Views.)

The courts now spare themselves labor by sending the most important and difficult cases to auditors and masters, and this is necessary. But it is equally necessary that more adequate provision should be made for doing the work confided to these officers. In these days of many courts and conflicting engagements, to say nothing of longer and more frequent vacations, it is very difficult to get cases heard by a master, and sometimes harder to get them decided. There is a constant pressure on the courts to finish their cases, for they work in the public eye. A case sent to an auditor is side-tracked and waits the luxuriant convenience of counsel and magistrate, and the latter finds it easy to postpone his decision, forgetting that delay dulls his recollection of evidence and arguments and does not enhance his judicial acumen. No counsel wishes to hurry him for fear of an unfavorable reaction, and thus cases of the first importance drag on for years, and clients learn to distrust the law and its ministers. For the sake of us all, clients and counsel alike, this state of things must be remedied. Laziness and good nature are responsible for its continuance, and these elements of human nature are permanent. Whether there shall be a (1) *Master's court with a regular docket*, or (2) *orders compelling hearings and decision within fixed periods*, on penalty of losing compensation in case of failure to obey, or whatever other remedy is needed, such an association as this should consider and decide. *The present system is a crying evil, and the cure rests with you.*"

Mr. Storey suggests alternately (1) "A Master's court with a regular docket, and (2) orders compelling hearings and decisions within fixed periods." For the metropolitan district of Cook County your committee favors the adoption of both these remedies.

THE MASTERS THE BEST JUDGES OF FACTS—REFERRED CASES TRIED THOROUGHLY.

For several hundred years the Chancery courts have had the services of Masters. The orthodox class of cases for reference were those of complicated accounts. Common law pleading was designed to reduce the case to a single issue. Accounts were too complicated

for a jury; and took too much time to be tried in court, hence the reference to a Master. Similarly any Chancery case which involved several different issues, some of which might properly be determined for the complainant, and others for the defendant, and involving extensive examination of documents, was properly referred to the Master. And the Masters who heard each issue deliberately and afforded time for presentation of evidence on each issue separately, and weighed and determined each by itself and reported their findings in detail to the Court, became the best judges of facts. In our own Illinois Courts, we are informed, by Master in Chancery Martin Isaacs, that in a given body of over 300 cases of Masters' findings of facts, only two were reversed. It is safe to say that this analysis of the issues, and weighing of the evidence, and recording of the findings on each issue separately, with review in the trial court on exceptions, has made the Master's tribunal the best tribunal for determining facts in complicated cases that our law affords. It should be strengthened and preserved.

The committee have received valuable assistance from the Circuit Judges of Illinois and especially from the Judges and Masters of the Circuit and Superior Courts of Cook County, who have very generally and freely answered our inquiries and made many valuable suggestions;—and also, among many others, from the persons named below:

For the English Practice from

Hon. James Austen-Cartmell, Barrister at Law, of 6 New Square, Lincolns Inn, London, Eng., Junior Counsel to the Treasury, whose valuable reply is appended as Exhibit 1.

Also from

A. F. Etheridge, Esq., Librarian Lincoln's Inn.

C. E. Bedwell, Esq., Keeper of the Library of the Middle Temple.

Henry Alchorne Bingley, Esq., Secretary to the General Council of the Bar, 2 Hare Court, Temple, London, E. C., England.

Samuel Rosenbaum, Esq., Gowan Fellow, of the Law School of the University of Pennsylvania.

Edward S. Cox-Sinclair, Barrister, 2 Plowden Buildings, Temple, London.

For the New York Practice to

Lawrence Godkin, Esq., whose report is attached as Exhibit 4; also to

Alfred Jaretzki, Esq., and

H. J. Bickford, Esq., Corresponding Secretary of the Association of the Bar of the City of New York.

For the New Jersey Practice to

Hon. Francis J. Swayze, Justice of the Supreme Court of Errors of New Jersey, whose summary is attached as Exhibit 2.

For the Massachusetts Practice to

Hon. William Sullivan, Judge of the Municipal Court of Boston, and

Frank W. Grimmell, Esq., Secretary of the Committee on Legislation of the Massachusetts Bar Association.

For the Pennsylvania practice to

Albert B. Weimers, Esq., of Philadelphia.

For the Ontario Practice to the Justices W. E. Middleton and William Renwick Riddell, and to J. R. L. Starr, K. C., of Toronto, whose summary is attached as Exhibit 3.

For proposed Legislation in Illinois:

Hon. Edgar B. Tolman, late President of the Chicago Bar Association.

Clarence P. Danning, Esq., Asst. Secretary of the Chicago Bar Association.

Hon. Morton D. Hull of the Illinois Senate, and

Thomas Taylor, Esq., late Master for the Circuit Court in and for Cook County.

Respectfully submitted,

MERRITT STARR,

Chairman.

(Signed) CARL E. EPLER,

" W. E. KNOWLES,

" FRANK F. NOLEMAN,

" A. E. CRISLER,

Committee.

May 7, 1915.

MR. STARR: I have the honor, Mr. Chairman, to move that the bill reported by the committee be approved by this Association, and that the incoming president be authorized to appoint a special committee to present the same to the General Assembly of the State and promote its enactment into law.

The motion was seconded and carried.

THE PRESIDENT: The next matter on the program is the report of Committee on Judicial Section, Justice Farmer, Chairman. He is not here, but his report will be found printed on page 69 of the printed reports.

REPORT OF COMMITTEE ON JUDICIAL SECTION.

Chicago, May 26, 1916.

Hon. Nathan William MacChesney, President, Illinois State Bar Association, Chicago, Ill.

Dear Sir:

The Committee on Judicial Section begs leave to report that after appropriate readings and the appointment of sub-committees as shown herewith, and after extended correspondence, and with a change of date necessitated by the Parade for Preparedness, it has arranged the following program:

9:00 A. M. to 12:30 P. M. Registry and reception for all judges holding court in this state in Rooms 208 to 212 inclusive, La Salle Hotel, Headquarters Illinois State Bar Association.

12:30 P. M. Tables reserved for members of this section in Louis XVI room, La Salle Hotel. Course luncheon at 75c for those who desire.

2:00 P. M. Section convenes, Chief Justice Farmer presiding. Welcome by the chairman of the Reception Committee, Hon. Wm. H. McSurely, Judge Appellate Court, Chicago.

2:10 P. M. A discussion on "Needed Legislation for County and Probate Courts."

Hon. Henry Horner, Judge Probate Court, Cook County, Chicago.

Hon. James M. Endicott, County Judge, White County, Carmi.

Hon. Wm. L. Pond, County Judge, DeKalb County, Sycamore.

Hon. Wm. C. DeWolf, County Judge, Boone County, Belvidere.

Hon. Perry L. Persons, County Judge, Lake County, Waukegan.

Hon. J. J. Cooke, Judge City Court, Beardstown, Beardstown.

3:00 P. M. A discussion on "Is our Present Probation Law Productive of Good or Evil?"

Hon. John W. Houston, Chief Probation Officer, Cook County, Chicago.

Hon. Roscoe J. Carnahan, County Judge, Stephenson County, Freeport.

Hon. Jacob H. Hopkins, Judge Municipal Court, Chicago.

Hon. DeWitt T. Hartwell, Judge Circuit Court, First Circuit, Marion.

Hon. George Kersten, Judge Circuit Court, Cook County, Chicago.

4:00 P. M. A discussion on "Should Courts Take Cognizance of Public Sentiment?"

Hon. Frank K. Dunn, Judge Supreme Court of Illinois, Charleston.

Hon. James C. McBride, Judge Circuit Court, Second District, Taylorsville.

Hon. Charles A. McDonald, Chief Justice Superior Court, Cook County, Chicago.

Hon. James S. Baume, Judge Circuit Court, Fifteenth Circuit, Galena.

Hon. H. C. Moran, Judge City Court of Canton, Canton.

Hon. Samuel C. Stough, Judge Circuit Court, Thirteenth Circuit, Morris.

7:00 P. M. Dinner in Red Room. Price of dinner \$2.00. Hon. George A. Carpenter, Judge of the District Court for the Northern District of Illinois, presiding. Symposium on the questions: "Are Our Courts Courts of Law or Courts of Justice?"

Hon. Frederick A. Smith, Chief Justice Circuit Court, Cook County, Chicago.

Hon. George A. Crowe, Judge Circuit Court, Third Circuit, East St. Louis.

Hon. Albert C. Barnes, Judge Appellate Court, First District, Chicago.

Hon. Samuel Alschuler, Judge U. S. Circuit Court of Appeals, Seventh Circuit, Aurora.

Responses to the call have been wide and generous and we confidently expect a large attendance from all parts of the State and an earnest discussion of the topics that have been assigned.

Further, we trust that with a better acquaintance of the judiciary of the State, many vexing problems may be solved, that in time the Section may become an active and efficient body for the initiation of some of the legislation that is from time to time discussed.

Many of us feel, however, that another year it may seem desirable to conduct the affairs of the Section concurrently with the other meetings of the Association, for three days taken out of a busy court year when the calendars are all more or less behind, may be longer than we should stay away from actual court work.

With assurances of our high consideration and appreciation of your constant helpfulness and that of the other officers of your Association, we beg leave to remain,

Very cordially yours,

WM. M. FARMER,

Chairman.

THE PRESIDENT: The next item is the report of the Committee on Judicial Administration, whose report is here but not printed. It recommends the abolition of the Committee on Judicial Administration and the reference of its functions to the Committee on Law Reform. I will ask the secretary to read that tomorrow in full.

I will call on the Chairman of the Committee on Legal Education, Prof. James Parker Hall, Dean of the University of Chicago Law School.

PROF. JAMES PARKER HALL: Mr. President and Members of the Association:

REPORT OF COMMITTEE ON LEGAL EDUCATION.

To the Members of the Illinois State Bar Association:

Your Committee this year wishes to suggest two changes in the administration of the present rules for admission to the bar of Illinois—one concerning the mode of proving the general preliminary education required of applicants for admission to the bar examinations, and the other concerning the mode of proving good moral character on the part of such applicants.

I.

Rule 39 of the present Rules of Practice of the Illinois Supreme Court, which deals with the subject of admission to the state bar, provides that, prior to the examination of an applicant upon his legal qualifications, he "shall present to the Board of Law Examiners satisfactory proof in writing, by examination or otherwise as the Board may direct, that he has had a preliminary general education, acquired prior to beginning the study of law, equivalent to that of a graduate of a four-year course high school in this State."

Your Committee on Legal Education in 1915 recommended that the Association respectfully urge the Supreme Court and the Board of Law Examiners to require as proof of the preliminary general education of applicants, under Rule 39, only such certificates as are accepted or issued by the University of Illinois, and this report was adopted by the Association. (1915 Rep. Ill. Bar. Assn., pp. 213-16.)

Your present Committee wishes to renew this recommendation, accompanied by some suggestions for its practical administration, and also to recommend some measures to secure a more thorough investigation of the moral character of applicants for admission to the bar.

The rules of the Board of Law Examiners, made under authority of Rule 39, above, to govern the administration of it, provide six ways in which proof of preliminary general education may be made. These are, briefly:

1. The diploma of any university or college in good standing.
2. The diploma of a four-year Illinois high school.
3. The affidavit of a principal or teacher of an Illinois high school, under whom the applicant has studied in such school, stating the facts about such study.
4. The affidavit of a principal or superintendent of an Illinois high school, stating the facts about a special written examination of the applicant in high-school subjects for the purpose of an applica-

tion for admission to the bar, accompanied by the original examination papers and answers as graded by the examiner.

5. The diploma of any accredited school whose graduates are admitted on diploma to the freshman class of any university or college in good standing in the state or country where such school is located.

6. The certificate of any university or college in good standing that the applicant has been admitted to at least its freshman class, without conditions, or upon conditions since complied with.

As regards 1, 5, and 6 of these methods it may be said that they require the Board to pass upon the "good standing" of institutions calling themselves colleges or universities located anywhere in the United States, or in foreign countries. There are about 700 such institutions in the United States, a majority of which are not entitled to be classified as colleges at all—though frequently this would not appear from their catalogues except to persons who had had considerable experience in appraising such matters. Probably the number of applicants from institutions of doubtful standing is not large enough to cause any substantial perplexities, though even here the assistance of the state university, possessed of wide information about college standards, would often be helpful.

But proof under 5 and 6 assumes, not only that a college is in good standing, but that its own standards of admission are in every case properly administered, for the Board accepts them in lieu of the credentials upon which they are based. In the case of a very large proportion of American colleges this assumption is unsafe, for most of them at times make exceptions to their admission requirements which other institutions would not accept, and a good many habitually administer their requirements very loosely. It may be doubted, therefore, whether 5 and especially 6 sufficiently safeguard the requirement of the prescribed minimum preliminary general education.

Proof under 2 is of course unobjectionable, as is proof under 3, if it be assumed that the work of any Illinois high school (of whatever grade or length of course) is qualitatively sufficient so far as it goes. This is probably not an improper assumption.

It is proof under 4, however, which has occasioned the greatest doubt. From January, 1911, to March, 1916, 2404 first applications for admission to the bar examinations were granted by the Board. Of this number, 526 (nearly 22%) proved their preliminary education *wholly* by the special examinations permitted under 4, and 234 more (nearly 10%) proved it partly by such examinations. In all, nearly one-third (760) of the applicants took some advantage of this provision, and of these 676 (nearly 90%) were students in the Chicago night law schools. Four hundred and forty-one of them were exam-

ined by a single individual. But 62 applicants who had studied in law offices proved any part of this preliminary education by these special examinations.

It is evident that the opportunities for laxity, if not for fraud, under this provision are very marked. Examinations given to an entire class at the end of a regular high-school course, or regularly set by some officially recognized examining board are far more likely to be of uniform grade and of fair difficulty than are special examinations prepared at irregular intervals for particular students or groups of students by persons who are chosen and paid for the work by the students themselves or by those who have a direct interest in the success of such students. College and professional school experience in regard to special examinations, even when given by regular instructors not selected by those who are to take the examinations, is so unfavorable that not a few institutions refuse to give special examinations altogether.

It is quite likely, therefore, that a considerable fraction of such special examinations are not as difficult as they fairly ought to be, or as they would be if given as part of the regular exercises of a high school or by an official examining board; and your Committee renews the recommendation of the Committee of 1915, that the present mode of proof under 4 be abandoned as well as that under 5 and 6, and that work not satisfactorily completed in an Illinois high school or evidenced by the diploma of some university or college in good standing be not accepted toward satisfying the requirement of general preliminary education, unless it be certified as satisfactory for this purpose by the University of Illinois, and that the assistance of the state university in this behalf be requested by the Board of Law Examiners. Your Committee has been unofficially assured that, if so requested, the University of Illinois would be willing to undertake this work, and would give examinations in high-school subjects at four different places in the state, several times a year, for the convenience of students who desired to obtain credit for irregular high-school study, or for work done in colleges or in high schools outside of Illinois, of such a character that the state university would not accept it without examination.

If this recommendation should be adopted, proof of preliminary general education could be made in any one or more of the following methods:

1. By the diploma of any university or college in good standing. (It is suggested that the Board make use of the information possessed by the University of Illinois in determining doubtful cases of "good standing.")
2. By the diploma of a four-year course Illinois high school.
3. By the affidavit of a principal or superintendent of an Illinois

high school, or of a teacher or teachers in such school under whom the applicant actually studied high-school subjects in such school, showing the facts about such study, and specifying the subjects which were satisfactorily completed in such school and the credit given therefor.

4. By the certificate of the University of Illinois stating that certain work of the applicant, regularly completed in any college or university, or in a high school outside of Illinois, is entitled to a certain number of credits toward the preliminary education requirements.

5. By the certificate of the University of Illinois stating that the applicant has passed satisfactory examinations in certain work and is entitled to a certain number of credits toward the preliminary education requirements.

II.

Rule 39 also requires that each applicant for admission to the bar, prior to being admitted to the examination, shall show that he is a person of good moral character by presenting a certified transcript from a court of record of Illinois showing that at least two reputable members of the bar practicing in said court, whose names shall be given, appeared before the said court and testified that the applicant was a reputable person of good moral character.

It is common knowledge that, at least in the city of Chicago, this provision does not in fact secure any careful scrutiny of the character of those who seek to enter the bar. There are very few applicants, of no matter what moral unfitness, who cannot secure the perfunctory testimony to their good character of two lawyers from a bar so large and heterogeneous as that of Chicago; and some change in the administration of the present rule is urgently needed in order to make the investigation of character, within its necessary limits, as searching as is the investigation of the legal qualifications of the applicant.

In New York, where the conditions surrounding admission to the bar are, at least as concerns New York City, most like those that prevail in Chicago, each of the four Appellate Division Courts appoints a Committee on Character and Fitness, to which are referred all applications for admission to the bar in its territory for investigation as to the moral character of the applicants.

The duties of the committees are as follows:

"To the respective committees shall be referred all applications for admission to practice * * * The committee shall require the attendance before it, or a member thereof, of each applicant, with the affidavit of at least two practicing attorneys acquainted with such applicant, residing in the judicial district in which the applicant resides, that he is of such character and general fitness as justifies admission to practice,

and the affidavit must set forth in detail the facts upon which the affiant's knowledge of the applicant is based, and it shall be the duty of the committee to examine each applicant, and the committee must be satisfied from such examination, and other evidence that the applicant shall produce, that the applicant has such qualifications as to character and general fitness as in the opinion of the committee justify his admission to practice, and no person shall be admitted to practice except upon the production of a certificate from the committee to that effect, unless the court otherwise orders.

"No applicant shall be entitled to receive such a certificate who is not able to speak and to write the English language intelligently, nor until he affirmatively establishes to the satisfaction of the committee that he possesses such a character as justifies his admission to the bar and qualifies him to perform the duties of an attorney and counselor at law."

The work of the committee for New York City has been particularly interesting and valuable, and some of its features might profitably be adapted to the use of our own metropolitan district about Lake Michigan. The New York Committee consists of five members. All applicants for admission to the bar are certified to the committee by the Bar Examiners, their names and addresses are published for ten successive days, and they are required to answer in their own handwriting the following questions, and to swear to the truth thereof:

"1. Give your full name, age, residence and birthplace. If born in a foreign country, at what age did you come to the United States? If naturalized, state when and where.

"2. Have you always resided in the city of New York? If not, state where and when you resided elsewhere.

"3. State the names, residence, and occupation of your parents.

"4. State all the schools you have attended and between what dates.

"5. Did you attend college? If so, state what colleges, and when, specifying dates. What degrees, if any, have you received?

"6. Did you attend a law school? If so, state what school, and when, specifying dates. What degrees in law, if any, have you received?

"7. Have you been employed in, or studied law, in a law office? If so, give a full list of such offices, and state the period, specifying dates and nature of your employment or study in each. State specifically the office of the practicing attorney in which you have served a clerkship for one year continuously, either before examination by the State Board of Law Examiners, or after such examination and prior to your application, as required by rule III of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law.

"8. Have you ever applied for admission to practice as an at-

torney or counselor in any court, in any other state or country? If so, specify when and where, whether you were admitted to the bar, and, if so, how long and where you practiced.

"9. Have you ever applied for admission to the bar of the state of New York in any department other than the First? If so, where, when, and with what result?

"10. Have you ever been employed in any occupation, business, or profession other than the law? If so, when and where? State fully the names and addresses of all your employers, the positions you have occupied, and the period of such employment, specifying dates. Are such employers willing to appear before the Committee on your behalf? Have you ever been engaged in any business or profession on your own account? If so, state in detail the nature thereof, the time during which you were so engaged, where the business was located, and what became of it?

"11. Have you ever been a party to or otherwise involved in any legal proceedings? Have you ever testified in any legal proceedings? If so, state facts fully.

"12. Give the names and addresses of the persons to whom you refer as to your character and state how long you have known each.

"13. State fully the various reasons for your desire to adopt the practice of law as a profession.

"14. State in a general way your plans for the future in the legal profession."

Incomplete affidavits of attorneys or answers of applicants are required to be completed. Where possible, affidavits of lawyers personally known to a member of the committee are required. Where the applicant's sponsors are unknown to the committee, they also are investigated. Wherever the applicant's answers suggest further inquiries, as they often do with regard to various questions asked, further investigations are made, the committee having the services of a special court officer as investigator, and also utilizing bar association and law school committees for the purpose. The committee also has power to compel the attendance of witnesses and the giving of testimony on matters under investigation. A personal interview had with each applicant, and, where serious questions arise as to his character, witnesses are examined for and against him, and he may be represented by counsel. Persons making charges against applicants may be similarly represented. A hearing is had, a decision is reached in each case by the committee, and a record of the proceedings is kept for future use of the committee and of the court. The names of applicants approved and rejected are reported to the court, with the reasons for rejection in each instance. The court may act upon this report as it sees fit, but in practice it rarely or never disturbs the findings of the committee.

The labors of this committee have been most useful in New York in preventing unworthy additions to the bar and it is believed that a similar service might be performed in Chicago even if not needed in other parts of the state where it is easier to discover the unfit at the threshold of the bar. The precise machinery to be used need not be the same as in New York. It might be possible to utilize local bar association committees for such investigations, if they were properly empowered to proceed. It is strongly recommended that the State Bar Association Committee on Legal Education for next year be instructed to confer with representatives of the Supreme Court, of the Bar Examiners, and of some of the local bar associations to consider the formulation of a plan for some adequate investigation of the character of applicants for admission to the bar of Illinois.

Respectfully submitted,

JAMES PARKER HALL, Chairman

CLAYTON J. BARBER

GEORGE E. CHIPMAN

GEORGE P. COSTIGAN, Jr.

EDWARD H. DECKER

EDWARD T. LEE

ROBERT P. VAIL

RUSSELL WHITMAN

WILLIAM T. WILSON

I take it that those who are especially interested have read the report, so I will not take time to read it now, but merely state briefly what it is about.

The present rules for admission to the bar in this State provide that candidates shall have a high school education. Proof of this may be made not only a diploma from the high school or by a certificate of admission to the university, but by special examination given by any high school principal in the State of Illinois.

A considerable percentage of the students during the past five years who have taken the bar examinations have satisfied the requirement of their preliminary education, in whole or in part, in this way. There are opportunities for laxity and irregularity, and this method of satisfying the requirement seemed to your committee had been unfortunate. We therefore make the same recommendations made last year, that the requirement of preliminary education be satisfied only by work actually completed in a high school in Illinois, or by certificates of satisfactory

work issued by the University of Illinois. And we make various administrative recommendations for carrying out that suggestion.

The second part of the report suggests that a more careful examination be made of the moral character of candidates for admission to the bar. We had before us the example of New York State where they have had a somewhat thorough investigation made by a special committee appointed by one of their courts, to whom names of all candidates are given for investigation. A rather searching questionnaire is given to each candidate and an investigation of his past record is made. They have been able in many instances to keep out unworthy applicants for admission to the bar. Perhaps this is not needed in most parts of the State, but the committee think in Chicago at least it would be decidedly beneficial.

We recommend that the matter be referred to the incoming committee, with the recommendation that they take counsel with the Supreme Court, and the Bar Examiners and members of local bar associations, in order that machinery may be devised for carrying out some such investigation as this. (Applause.)

MR. JOHN M. ZANE: I move that the report be adopted. Motion carried.

THE PRESIDENT: The next matter of business is the report of Special Committee on Schedule of Charges as Guide to New Members of the Bar, William G. McRoberts, Chairman.

REPORT OF COMMITTEE ON SCHEDULE OF CHARGES AS GUIDE TO NEW MEMBERS OF THE BAR.

To the President and Executive Committee of the Illinois State Bar Association:

GENTLEMEN: Your Committee on Schedule of Charges as Guide to New Members of the Bar reports that it has carefully enquired throughout the State and of practicing attorneys in all of its localities, and of local bar associations, and has obtained full information concerning the subject matter of this report, and has digested the information obtained, and submits as a schedule of charges as guide to new members of the bar the schedule hereto attached.

Your Committee would further report that a Sub-Committee consisting of three members of the Chicago Bar Association and three members of the Illinois State Bar Association made a special investiga-

tion and report for Cook County; and for Cook County report that a definite division and classification is as follows:

COOK COUNTY.

CLASSIFICATION: (1) Office Work; (2) Trial Work.

(1) OFFICE WORK.

Office work in Cook County should be at the rate of from Twenty-five Dollars (\$25.00) to One Hundred Dollars (\$100.00) per day, depending upon the standing, experience, and ability of the attorney and the character of the work entrusted to him.

(2) TRIAL WORK.

Trial work (including arguments and proceedings before State Boards, Commissioners and Legislative Committees, etc.) should be at the rate of Twenty-five Dollars (\$25.00) to Two Hundred Dollars (\$200.00) per day, depending upon the same circumstances as office work, and the additional consideration of the amount involved and results obtained.

(3) ADDITIONAL PERCENTAGE.

In addition to the per diem charge, a definite percentage should be added for each One Thousand Dollars (\$1000.00) or Five Thousand Dollars (\$5000.00) involved in the transaction, whether the service rendered is office work or trial work.

(4) OFFICE SERVICE CHARGE ADDED.

In addition, there should be added at least twice the value of the time of the attorney's assistants and clerical help, and all other overhead expenses involved in handling the business.

(5) PERSONAL SERVICES DEMANDED BY CLIENT.

If a client entrusts a small matter to his attorney and insists that the attorney give it his personal attention, the client should pay the attorney what his time is worth. Otherwise, the client should be content to have the matter handled under the supervision of his attorney by some clerk or young attorney in the office, in which case, the client would have a right to expect the expense to be less.

SPECIAL NOTE: The schedule of fees listed in the right-hand column of the schedule under the title "Third Class Counties," and under the title "Municipal Courts of Chicago," indicates the average charge in Cook County as determined from answers received to enquiries made by the Sub-Committee for Cook County, and is reported by the

Sub-Committee and by the full Committee as a reasonable minimum scale of charges for Cook County, assuming that the attorney has had at least five years experience.

Your Committee attaches hereto as part of its report the report of the Sub-Committee for Cook County, bearing the signatures of Messrs. Samuel A. Harper, Chairman, James Stillwell, John R. Montgomery, Frank J. Loesch, Elmer E. Beach, and Jesse R. Long, and attaches, also schedule of fees as guide to new members of the bar, and makes such schedule a part of its report and recommends that the schedule and the committee report be adopted by the members of the Illinois State Bar Association at its next annual meeting as a guide to all lawyers of the state.

All of which is respectfully submitted,

W. G. McROBERTS,
SAM'L A. HARPER,
ELBERT C. FERGUSON,
QUIN O'BRIEN,
JNO. R. MONTGOMERY,
JAMES STILLWELL,
GEO. S. PAGE,
H. S. HICKS,
ELWOOD G. GODMAN,
Committee.

SCHEDULE OF FEES AS GUIDE TO NEW MEMBERS OF THE BAR.

FOREWORD:—It is assumed that each licensed attorney will give prompt, faithful and intelligent attention to the legal business entrusted to him, and as compensation for his services will be entitled to not less than the fee specified in this schedule.

	Counties. Counties. Counties.		
	1st Class	2nd Class	3rd Class
United States Circuit Court of Appeals.			
Appearance and Brief, at least.....	\$ 75.00	\$ 75.00	\$100.00
Per Diem, at least.....	50.00	50.00	75.00
United States District Court.			
Appearance and Brief, at least.....	50.00	50.00	75.00
Per Diem, at least.....	35.00	35.00	75.00
In Bankruptcy Matters.			
Where no Assets above Exemption and no Contest, at least.....	55.00	55.00	75.00
Where Contest, or where there are Assets above Exemption, (Fee fixed by Court).	75.00	100.00	150.00
Filing Claim with the Referee.			

Counties. Counties. Counties.
1st Class 2nd Class 3rd Class

If Collection is made, add Collection fee.
Appearance before Referee in Support of
Petition, Motion or Rule, and Order
thereon, and the time spent in prepara-
tion, whether the matter be contested,
or uncontested, same fee as near as
may be as Probate Court matters.

Appearance before Referee at Creditors'
Meeting by direction of client, and ac-
tively participating in the proceedings,
same per diem as in United States Dis-
trict Court.

State Courts.

Supreme Court of Illinois, Direct Appeal, Appearance and Brief.....	100.00	125.00	300.00
Appellate Court of Illinois, Appearance and Brief, at least.....	75.00	100.00	200.00
Appellate and Supreme Courts, through both, at least.....	150.00	200.00	400.00
Circuit or Superior Courts.			
Retainer, at least.....	25.00	25.00	50.00
Trial per Diem, at least.....	25.00	35.00	50.00
All Cases of Partition and Foreclosure, and all other cases where there is a sale of real estate, at least, in any case.....	40.00	50.00	150.00
And upon excess of \$ 500 to \$ 2000 add.	6%	6%	6%
And upon excess of \$ 2000 to \$ 5000 add.	4%	4%	5%
And upon excess of \$ 5000 to \$15000 add.	3%	3%	4%
And upon excess of \$15000 to \$30000 add.	2½%	2½%	3%
And upon excess of \$30000 to \$50000 add.	1½%	1½%	2%
And upon excess over \$50000 add.....	1%	1%	1%
Foreclosure of Chattel Mortgage, Statutory or Common Law Lien on Personal Property, at least.....	20.00	25.00	50.00
Assignment of Dower and Homestead, at least	40.00	50.00	100.00
Bills for Specific Performance, Vendor's and Mechanic's Lien, same fees as in Partition and Foreclosure cases, based upon the fair value of the matter in controversy .....	.....	.....	150.00
Creditor's Bill, at least.....	50.00	65.00	125.00

	1st Class Counties.	2nd Class Counties.	3rd Class Counties.
Bill to dissolve Partnership and for Accounting, at least.....	50.00	65.00	125.00
Bill for Accounting, at least.....	50.00	65.00	125.00
Injunction (when not auxiliary), at least..	50.00	65.00	125.00
Injunction (when auxiliary) except in Divorce cases, at least.....	25.00	25.00	100.00
Divorce or Separate Maintenance, Default, at least	25.00	35.00	75.00
Same with Injunction, Default, at least...	35.00	40.00	75.00
Divorce or Separate Maintenance, with Contest, at least.....	50.00	65.00	100.00
(Add per diem in Cook County.)			
Drawing Bill in all other cases, at least....	25.00	25.00	35.00
Appearance in Chancery cases, at least....	10.00	15.00	25.00
Appearance and Answer or Plea, at least..	20.00	25.00	50.00
Answer of Guardian ad litem, at least.....	10.00	10.00	25.00
Drawing Exceptions to Answer, at least..	10.00	15.00	25.00
Drawing Special Demurrer, at least.....	10.00	15.00	25.00
Drawing Pleas, at least.....	10.00	15.00	25.00
Drawing Petition, Affidavit, and Notice, at least	10.00	15.00	25.00
Preparing and arguing Exceptions, Motions or Demurrers, at least.....	15.00	20.00	35.00
Preparing and arguing Exceptions, Motions or Demurrers which decide the case, at least	25.00	35.00	(50.00 to 100.00)
Attendance before Master, per day, at least.	15.00	25.00	35.00
Drawing Interlocutory Decree, at least....	15.00	15.00	25.00
Drawing Final Decree, at least.....	20.00	25.00	35.00
Drawing Exceptions or Objections to Master's Report, at least.....	10.00	15.00	25.00
Attendance at Master's Sale, per day, at least	10.00	15.00	25.00
Drawing Declaration, except Narr. on notes or Common Counts, at least.....	15.00	20.00	35.00
Drawing Narr. on notes or Common Counts, at least	10.00	10.00	15.00
Appeal from Justices, at least.....	10.00	15.00	25.00
Affidavit and Bond in Attachment or Replevin, at least.....	10.00	15.00	25.00

	Counties. 1st Class	Counties. 2nd Class	Counties. 3rd Class
Preparing Bill of Exceptions or Certificate of Evidence, at least.....	25.00	35.00	(50.00 to 75.00)
Judgment by Confession on Power of Attorney, at least.....	15.00	15.00	25.00
If Collection is made, add collection fees.			
Obtaining Judgment by Default in Assumpsit or Debt, at least.....	15.00	20.00	35.00
Scire Facias, to Revive Judgment, same as obtaining Judgment.			
Defense in Cases of Felonies, in addition to per diem, at least.....	50.00	50.00	100.00
Defense in Cases of Misdemeanors, in addition to per diem, at least.....	25.00	25.00	35.00
Recognizance to keep Peace, at least.....	10.00	15.00	20.00
Petition for Discharge as Pauper Criminal, gratis, or at least.....	15.00	20.00	25.00

COUNTY COURTS.

The fees specified for services in the Circuit and Superior courts shall apply to the County Court as far as applicable.

Preparing objections to taxes, including resisting Application for Judgment and Order of Sale for delinquent taxes, at least	15.00	15.00	25.00
Not less than \$5.00 to each party, usual fee if trial.			
Preparing Objections to special assessment or special tax, at least.....	15.00	15.00	25.00
Not less than \$5.00 to each party, usual fee if trial.			
Insanity Cases, prosecuting or defending, at least	20.00	25.00	50.00
Adoption Proceedings, at least.....	20.00	25.00	50.00

PROBATE COURTS.

Drawing Petition and Attendance Probating Will (no contest), at least.....	20.00	25.00	35.00
Same, when contested, at least.....	35.00	35.00	50.00
Contesting Probate of Will, at least.....	25.00	25.00	50.00
Drawing Petition and Obtaining Letters of Administration or Guardianship, at least	10.00	15.00	35.00
Drawing Inventory, at least.....	10.00	10.00	15.00

	Counties. 1st Class	Counties. 2nd Class	Counties. 3rd Class
Preparing Notices and Attendance Claim			
Day at least.....	10.00	10.00	15.00
Drawing and Presenting Report other than Final, at least.....	10.00	10.00	25.00
Drawing Final Report and Obtaining Discharge, at least.....	10.00	15.00	35.00
Proving or Contesting Heirship, at least...	10.00	10.00	15.00
Drawing Petition for Sale of Real Estate and proceedings relative thereto, at least	40.00	50.00	75.00
In case property sold brings more than \$500 add additional fees as provided in cases of partition and foreclosure, in the Circuit Court.			
Attendance at Sale of Real Estate or Personal Property, at least.....	10.00	15.00	25.00
Petition and Order for Sale of Personal Property, at least.....	10.00	15.00	25.00
Drawing Report of Sale of Personal Property, and Order approving same, at least	5.00	5.00	15.00
Citation to Discover Assets, at least.....	10.00	15.00	25.00
Trial of Citation to Discover Assets, at least	15.00	25.00	(25.00 to 50.00)
Drawing Exceptions or Objections to Report, Inventory or Appraisement Bill, at least	10.00	10.00	20.00
Proceedings for appointment of Conservator, at least	20.00	25.00	50.00
Defense in Conservator Cases, at least.....	20.00	25.00	50.00
Minimum Guardian ad litem fee, at least..	15.00	15.00	25.00
Where no Will and Estate is simple, entire proceedings, at least.....	35.00	40.00	100.00
Where a Will and Estate is simple, entire proceedings, at least.....	50.00	65.00	110.00
All other fees in the Probate Court, including per diem for trial, shall be the same as it is provided for the Circuit Court so far as the same are applicable.			

SPECIAL PROCEEDINGS.

Quo Warranto, Mandamus or Writ of Prohibition, at least.....	50.00	65.00	125.00
Ne Exeat, at least.....	50.00	65.00	125.00
Habeas Corpus, at least.....	50.00	65.00	100.00

	Counties. 1st Class	Counties. 2nd Class	Counties. 3rd Class
Certiorari (only in lower courts), at least.	50.00	65.00	100.00
Bastardy Proceedings, as special attorney for State, no defense, at least.....	25.00	35.00	50.00
Bastardy Proceedings, defending, at least..	35.00	50.00	75.00
Proceedings for Capias ad respondendum or ad satisfaciendum, at least.....	35.00	50.00	75.00

JUSTICE COURTS.

Trial in City, Village or Township where attorney resides or has an office, in civil cases at least.....	10.00	10.00	15.00
Criminal Examination and Bastardy cases, at least	15.00	15.00	25.00
Outside of City, Village or Township in which the attorney resides or has an office, add to each of the above.....	10.00	10.00	15.00

ROAD CASES.

Petition and Notices, at least.....	35.00	50.00	.....
Trial before Commissioners, Justice of the Peace, or Supervisors, per day, at least	25.00	35.00	.....

LEGAL SERVICES BEFORE BOARDS, COMMITTEES,

Etc.

Appearance and Argument before City Council or any of its committees, or before any Board or Officer of the City, at least	15.00	25.00	50.00
Same before Board of Supervisors or County Commissioners, or before any County Board, Committee or Officer, per day, at least.....	15.00	25.00	50.00
Same before General Assembly or any of its Committees, or any Board, Depart- ment, or Officer of the State, at least per day	35.00	50.00	75.00
In addition to the above, in Matters before the Board of Review, 10% of the net amount saved in taxes by reason of re- duction in assessment.			
Appearance before the State Public Utili- ties Commission, at least.....	35.00	50.00	75.00

	1st Class Counties.	2nd Class Counties.	3rd Class Counties.
Appearance and Argument before State Public Utilities Commission, at least per day	35.00	50.00	75.00
Acting as Arbitrator under Workmen's Compensation Act, at least.....	10.00	15.00	(10.00 to 50.00)
Appearance in contested matters before In- dustrial Board or Committee of Arbitra- tors, per day, at least.....	25.00	35.00	50.00
Outside of the City, Village, or County in which the attorney resides or has an office, add to each of the above.....	10.00	10.00	25% to 50%
MISCELLANEOUS.			
Drawing Will or Codicil in its simplest form, at least.....	5.00	5.00	10.00
Drawing Deed and Taking Acknowledg- ment, at least.....	1.50	1.50	5.00
Drawing Mortgage and Notes, at least....	2.50	5.00	10.00
Drawing Leases, Articles of Agreement, or Bond for Deed (in duplicate), at least	2.50	5.00	10.00
Legal Advice without consultation of au- thorities, at least.....	3.00	5.00	10.00
Time necessarily devoted to briefing ques- tions of law or fact as the basis of legal advice or opinion, per diem, at least	15.00	25.00	(25.00 to 100.00)
Examining Abstract of Title, at least.....	5.00	10.00	15.00
Attendance taking Deposition inside County, per day, at least.....	25.00	35.00	50.00
Same, outside County, per day, at least....	35.00	45.00	75.00
Procuring License to Incorporate and Charter, at least.....	25.00	35.00	50.00
Drawing By-laws and completing Organiza- tion, at least.....	25.00	35.00	50.00
Procuring Incorporation of City, Village or Town, at least.....	75.00	100.00	300.00

COLLECTIONS.

10% on the first \$300.00.

5% on the excess of \$300.00 to \$1000.00.

2½% on the excess of \$1000.00.

Minimum fee of \$3.00.

Minimum fee for suit \$5.00.

On claims of \$6.00 or under, 50%.

To the foregoing percentages should be added the proper fee for legal services in the courts, if suit is brought.

Claims collected by repeated duns, demands, or notices, or in installments should be made a matter of special contract at not less than the above rates.

On all business forwarded by one attorney to another, one-third of the fee to forwarder, and two-thirds to receiver.

No division of fees should be made without the knowledge of the client who pays them.

MUNICIPAL COURT OF CHICAGO.

First-class Cases.

Retainer in first-class assumpsit cases.....	\$ 25.00
Per diem in assumpsit case.....	50.00
Retainer fee in first-class assumpsit suit with attachment in aid.	35.00
Per diem in first-class cases in assumpsit and attachment.....	50.00
Preparing, and drawing statement of claim, affidavit and interrogatories of attachment in aid in first-class case.....	15.00

Fourth-class Cases.

Retainer in fourth-class cases over \$200.....	25.00
Retainer in fourth-class cases when amount involved is under \$200.	15.00
Retainer for attachment in aid, fourth-class case over \$200 and under \$2000.....	25.00
Retainer for attachment in aid for amounts under \$200.....	15.00
Preparing statement of claim, affidavit and papers for attachment in aid of fourth-class cases.....	15.00
Per diem charge in fourth-class cases under \$200.....	15.00
Per diem charge in fourth-class cases over \$200.....	50.00

Supplemental Proceedings.

Preparing petition against one person, filing and obtaining order of citation under supplemental proceedings against the defendant alone, and attendance in court on one examination.	10.00
Preparing same papers for citation against more than one person, for each additional person.....	5.00
For the examination of the defendant or each witness in supplemental proceedings	5.00

Appeals and writs of error from the Municipal to the Appellate or Supreme Court the same as in the Superior or Circuit Court.

The words "per day" used hereinabove shall mean a professional day of six hours. Portions of a day should be charged pro rata and not as a full day.

The fees specified in all cases are in addition to actual and necessary expenses incurred by the attorney or authorized by the client.

The foregoing schedule should not be regarded as fixing the amount of the fee to be charged in any given case, but rather as a suggestion of the consensus of opinion as to the minimum amount to which a lawyer would be justly entitled for the proper performance of the services mentioned. Members of the association should be governed by No. 12 of the Canons of Professional Ethics adopted by the Illinois State Bar Association June 24, 1910.

ELBERT C. FERGUSON,
W. R. CURRAN.

*To Mr. W. G. McRoberts, Chairman Committee on Schedule of Charges,
as a Guide to New Members of the Bar:*

The undersigned Sub-Committee, consisting of three members of the Chicago Bar Association and three members of the Illinois State Bar Association, selected for the purpose of making an investigation and a report for Cook County, beg leave to report as follows:

Five hundred enquiry blanks were sent out to representative members of the Bar in Cook County, similar in form to the blank mailed by you to attorneys outside of Cook County. This blank, as you know, called for the views of the several attorneys addressed, as to the minimum charges to which attorneys in Cook County would be entitled, for nearly every kind of service within the scope of a general practice. To this enquiry about sixty lawyers replied, giving widely different views, both as to what the minimum should be, and as to whether such a schedule of fees would be either desirable or feasible.

The sentiment of the Sub-Committee was nearly unanimous, at the time the committee was organized and commenced its work, that a definite scale of minimum charges, even as a guide to new members of the Bar, was neither desirable nor feasible for Cook County. Inasmuch as it was the desire of your Committee, however, that a state-wide canvas of the sentiment of lawyers be made, the questionnaire was mailed, as already stated, to five hundred Cook County attorneys, in order that the work of the general committee might be completed, and in order that the question of the advisability and feasibility of a definite schedule of minimum charges for Cook County might not rest solely within the judgment of the Sub-committee.

In view of the answers received from the sixty Cook County attorneys who have replied to the enquiry mailed to them, we beg to make the following suggestions:

Chicago is a very large city, with approximately 6000 resident members of the bar. These men, of course, represent all grades of ability, industry and responsibility, the range being necessarily wide, because of the large number. As in other large cities, the business is very largely specialized, so that the judgment of many attorneys, in fields outside their own practice, would be of little value, and a definite schedule of charges quite useless to them, except for the particular class of business handled by them. Even among attorneys of good standing, engaged in general practice, the charges to be made are frequently, if not always, influenced by anyone of a large number of considerations, such as:

(1) The amount involved, (2) the character of the business, (3) the ability of the client to pay, (4) the standing, experience and ability of the attorney, (5) the personal interest of the client in the matter, (6) the importance of the controversy to the client, (7) the relations existing between the attorney and client in reference to other business, and the amount of annual retainers, if any, (8) the source of the business, as to whether it comes from some other attorney, or direct from the client, (9) the results accomplished, (10) the personal views of the client, (11) the methods and organization of the attorney's business, and his overhead expenses, etc.

Comparing the schedules of attorneys who have responded to our enquiry, however, and disregarding the large number of special considerations to which we have referred, we find a very wide difference of opinion as to charges to be made for almost any specified service. For example—for taking care of a direct appeal to the Supreme Court, the estimates received vary all the way from \$500 to \$100; appeal to the Appellate Court from \$500 to \$50, and through both courts, from \$750 to \$100. The same wide diversity of opinion is shown with respect to most of the other items mentioned in the enquiry.

This committee therefore feels compelled to report that about the only definite division or classification which can be made in Cook County, with a view of suggesting a schedule of charges which would be considered reasonable, is on the basis of (1), Office Work, and (2), Trial Work.

(1) Office work, in Cook County, should be from \$15 to \$100 per day, depending upon the standing, experience and ability of the attorney, and the character of the work being done.

(2) Trial work, (which should include arguments and proceedings before State Boards, Commissioners, Legislative Committees, etc.) should be from \$25 to \$200 per day, depending upon the same circum-

stances, and the additional considerations of the amount involved and the results achieved.

(3) In addition to the per diem charge, a definite percentage should be added for each \$1000 or \$5000 involved in the transaction, whether it is office or trial work.

(4) In addition there should be added at least twice the value of the time of the attorney's assistants, and clerical help, and of other overhead expense involved in handling the business. Further than to make these four general suggestions, this committee does not feel justified in making a recommendation as to a schedule of charges for Cook County.

Portions of a day, should be charged pro rata, and not as a full day.

The Committee however, attaches herewith, one of the blank schedules, filled up with what it considers the average charges of the sixty lawyers whose replies have been received. If this average schedule is adopted by the general Committee as a reasonable minimum scale of charges for Cook County, it should be assumed that the attorney has had at least five years general experience; that he will give prompt, faithful and intelligent attention to the legal business entrusted to him and that as compensation for services he will be entitled to not less than the fee specified in this schedule.

We believe that if a client entrusts a small matter to an attorney, and he insists upon the attorney giving it his personal attention, he should be expected to pay the attorney what his time is worth;—otherwise he should be content to have it handled, under the supervision of the attorney, by some clerk or young attorney in the office, in which case he would have a right to expect the expense to be less.

It should be noted that many of our leading lawyers have expressed themselves as opposed to any effort on the part of Bar Associations to "use their influence for the purpose of protecting, securing or increasing the professional compensation of their members," as it has been expressed by one, believing that while "such aims are well enough for trade associations," they are out of harmony with the spirit and traditions of our professional associations.

It will be noted that the enquiry blank headed "Schedule of Fees as Guide to New Members of the Bar" and the statement in the "Foreword" that for his services a lawyer "will be entitled to not less than the fees specified in this schedule" hardly justify the assumption that the work of the Committee is for the purpose of "protecting, securing or increasing" the professional compensation of members of the association. In view, however, of the erroneous construction which has been placed by some upon the purpose of the Committee, we suggest that if a schedule of fees is adopted, there should be appended to it a foot note somewhat as follows:

"The foregoing schedule should not be regarded as fixing the amount of the fee to be charged in any given case, but rather as a suggestion of the consensus of opinion as to the minimum amount to which a lawyer would be justly entitled for the proper performance of the services mentioned. Members of the association should be governed by No. 12 of the Canons of Professional Ethics adopted by the Illinois State Bar Association June 24, 1910."

As to business forwarded by other attorneys, it is believed that the rule adopted in the collection business is a reasonable, general rule, viz., one-third to the forwarder, and two-thirds to the receiving attorney.

We submit herewith such schedules as have been received from Cook County attorneys, together with the correspondence which the enquiry provoked.

For the Illinois State Bar Association:

SAM'L A. HARPER,
Chairman.
JAMES STILLWELL,
JNO. R. MONTGOMERY.

For the Chicago Bar Association.

FRANK J. LOESCH,
ELMER E. BEACH,
JESSE R. LONG,
Sub-Committee for Cook County.

PROPOSED SCHEDULE FOR COOK COUNTY.

SCHEDULE OF FEES AS GUIDE TO NEW MEMBERS OF THE BAR.

FOREWORD:—It is assumed that each licensed attorney will give prompt, faithful and intelligent attention to the legal business intrusted to him, and as compensation for his services will be entitled to not less than the fee specified in this schedule.

United States Circuit Court of Appeals

Appearance, and brief, at least.....\$ 100.00

Per Diem, at least..... 75.00

United States District Court

Appearance, and brief, at least..... 75.00

Per Diem, at least..... 75.00

In Bankruptcy Matters

Where no Assets above Exemption and no Contest, at least 75.00

Where Contest, or where there are Assets above Exemption 150.00

State Courts

Supreme Court of Illinois, Direct appeal, at least..... 300.00

Appellate Court of Illinois, at least..... 200.00

Appellate and Supreme Courts, through both, at least.... 400.00

FEES.

.....	50.00
..... at least.....	50.00
Partition and Foreclosure, and all other cases	
where there is a sale of real estate, at least, in any case.	150.00
And upon excess of \$ 500 to \$ 2000 add.....	6%
And upon excess of \$ 2000 to \$ 5000 add.....	5%
And upon excess of \$ 5000 to \$15000 add.....	4%
And upon excess of \$15000 to \$30000 add.....	3%
And upon excess of \$30000 to \$50000 add.....	2%
And upon excess over \$50000 add.....	1%
Foreclosure of Chattel Mortgage, Statutory or Common Law	
Lien on Personal Property, at least.....	50.00
Assignment of Dower and Homestead, at least.....	100.00
Bills for Specific Performance, Vendor's and Mechanic's Lien,	
same fees as in Partition and Foreclosure cases, based	
upon the fair value of the matter in controversy.....	150.00
Creditor's Bill, at least.....	125.00
Bill to dissolve Partnership and for Accounting, at least....	125.00
Bill for Accounting, at least.....	125.00
Injunction (when not auxiliary), at least.....	125.00
Injunction (when auxiliary), except in Divorce cases, at	
least	100.00
Divorce or Separate Maintenance, Default, at least.....	75.00
Same with Injunction, Default, at least.....	75.00
Divorce or Separate Maintenance, with Contest, at least, per	
diem and.....	100.00
Drawing Bill in all other cases, at least.....	35.00
Appearance in Chancery cases, at least.....	25.00
Appearance and Answer or Plea, at least.....	50.00
Answer of Guardian ad litem, at least.....	25.00
Drawing Exceptions to answer, at least.....	25.00
Drawing Special Demurrer, at least.....	25.00
Drawing Pleas, at least.....	25.00
Drawing Petition, Affidavit, and Notice, at least.....	25.00
Preparing and arguing Demurrers, Exceptions or Motions, at	
least	35.00
Preparing and arguing Exceptions, Motions or Demurrers	
which decide the case, at least.....	(50.00 to
	100.00
Attendance before Master, per day, at least.....	35.00
Drawing Interlocutory Decree, at least.....	25.00
Drawing Final Decree, at least.....	35.00
Drawing Exceptions or Objections to Master's Report, at least	25.00
Attendance at Master's Sale, per day, at least.....	25.00

Drawing Declaration, except Narr. on notes or Common counts, at least.....	35.00
Drawing Narr. on notes or Common Counts, at least.....	15.00
Appeal from Justices, at least.....	25.00
Affidavit and Bond in Attachment or Replevin, at least.....	25.00
Preparing Bill of Exceptions or Certificate of Evidence, at least	(50.00 to 75.00)
Judgment by Confession on Power of Attorney, at least....	25.00
If collection made, excess fees hereinafter specified on collection over \$200 added.	
Obtaining Judgment by Default in Assumpsit or Debt, at least	35.00
Sci Facias, to Revive Judgment, same as obtaining Judgment	
Defense in Cases of Felonies, in addition to per diem, at least	100.00
Defenses in Cases of Misdemeanors, in addition to per diem, at least.....	35.00
Recognizance to keep Peace, at least.....	20.00
Petition for Discharge as Pauper Criminal, at least (gratis, or)	25.00

PROBATE COURTS.

Drawing Petition and attendance probating Will (no contest), at least.....	35.00
Same, when contested, at least.....	50.00
Contesting Probate of Will, at least.....	50.00
Obtaining Letters of Administration or Guardianship, at least	35.00
Drawing Inventory, at least.....	15.00
Preparing Notices and Attendance Claim Day, at least....	15.00
Drawing and Presenting Report other than Final, at least..	25.00
Drawing Final Report and Obtaining Discharge, at least....	35.00
Proving or Contesting Heirship, at least.....	15.00
Drawing Petition for Sale of Real Estate and proceedings relative thereto, at least.....	75.00
In Cases where property sold brings more than Five Hundred Dollars (\$500) would you add extra fees as provided in cases of Partition and Foreclosure in the Circuit Court?.....	
	Yes
Attendance at sale of Real Estate or personal property, at least	25.00
Petition and Order for Sale of personal property, at least..	25.00
Drawing Report of Sale of personal property and order approving same, at least.....	15.00
Citation to discover Assets, at least.....	25.00

Trial of Citation to discover Assets, at least.....	(25.00 to 50.00)
Hearing Exceptions or Objections to Report, Inventory or Appraisement Bill, at least.....	20.00
Proceedings for appointment of Conservator, at least.....	50.00
Defense in Conservator Cases, at least.....	50.00
Minimum Guardian ad litem fee, at least.....	25.00
Where no Will and Estate is simple, entire proceedings....	100.00
Where a Will and Estate is simple, entire proceedings....	110.00
Shall all other fees in the Probate Court, including per diem for trial be the same as it is provided for the Cir- cuit Court so far as the same are applicable?.....	Yes

SPECIAL PROCEEDINGS.

Quo Warranto, Mandamus or Writ of Prohibition, at least..	125.00
Ne Exeat, at least.....	125.00
Habeas Corpus, at least.....	100.00
Certiorari (in lower courts), at least.....	100.00
Bastardy Proceedings, no Defense, at least.....	50.00
Defending in above proceeding, at least.....	75.00
Proceedings for Capias ad respondendum or ad satisfaci- dum, at least.....	75.00

JUSTICE COURTS.

Trial in City, Village or Township where attorney resides or has an office, in civil cases.....	15.00
Criminal Examination and Bastardy cases.....	25.00
Outside of City, Village or Township in which the attorney resides or has an office, add to each of the above, and expenses	15.00

MUNICIPAL COURT OF CHICAGO.

Retainer, first class cases.....	25.00
Per Diem, first class cases.....	50.00
Retainer, second class cases.....	
Per Diem, second class case.....	
Retainer, third class cases.....	
Per Diem, third class cases.....	
Retainer, fourth class cases, over \$200 same as 1st class under \$200.	15.00
Per Diem, fourth class cases, over \$200 same as 1st class under \$200.....	15.00
Retainer, fifth class cases.....	
Per Diem, fifth class cases.....	

Retainer, sixth class cases.....	
Per Diem, sixth class cases.....	
Drawing statement of claim, at least.....	10.00
Drawing affidavit of merits, at least.....	5.00
What percentage of a reduction, if any, should be made in the Municipal Court from charges made in the Circuit and Superior Courts, for similar service rendered, including various steps taken before and during trial?	
Only in 4th class cases under \$200.....	50%
Error, to Appellate Court.....	100.00
Error through to Supreme Court.....	150.00

LEGAL SERVICES BEFORE BOARDS, COMMITTEES, ETC.

Retainer	75.00
Appearance and Argument before City Council of any of its committees, or before any Board or Officer of the City, at least.....	50.00
Same before Board of Supervisors or County Commissioners, or before any County Board, Committee, or Officer, per day, at least.....	50.00
Same before General Assembly or any of its Committees, or any Board, Department, or Officer of the State, per day, at least, and expenses.....	75.00
In addition to the above, in Matters before the Board of Review, 10% of the net amount saved in taxes by reason of reduction in assessment	
Appearance before the State Public Utilities Commission, expenses and at least.....	75.00
Appearance and Argument before State Public Utilities Commission, per day, expenses and at least.....	75.00
Acting as arbitrator under Workmen's Compensation Act...	(10.00 to 50.00)
Appearance in contested matters before Industrial Board or Committee on Arbitrators, per day.....	35.00
Outside of the City, Village, or County in which the attorney resides or has an office, add to each of the above.....	(25% to 50%)

MISCELLANEOUS.

Drawing Will or Codicil in its simplest form, at least.....	10.00
Drawing Deed and Taking Acknowledgment, at least.....	5.00
Drawing Mortgage and Notes, at least.....	5.00
Drawing Leases, Articles of Agreement, or Bond for Deed (in duplicate), at least.....	7.50

Legal Advice without consultation of authorities, at least..	5.00
Time necessarily devoted to briefing questions of law or fact as the basis of legal advice or opinion, per day, at least.	35.00
Examining Abstract of Title, per item thereof, minimum fee for total Abstract, at least.....	15.00
Attendance taking Depositions inside County, per day, at least	35.00
Same, outside County, per day, at least, (including ex- penses)	50.00
Procuring License to Incorporate and Charter, at least.....	50.00
Drawing By-Laws and completing Organization, at least....	50.00
Procuring Incorporation of City, Village or Town, at least..	300.00

COLLECTIONS.

FIRST CLASS:—Claims collected on First Demand or Notice.

10% on first \$200.

5% on excess \$200 to \$500.

3½% on excess \$500 to \$1000.

1% on excess of \$1000.

Minimum fee \$3.00. On claims \$6.00 and less, one-half of claim.

SECOND CLASS:—Claims collected by repeated duns, demands or notices.

20% on first \$200.

10% on excess \$200 to \$1000.

5% on excess \$1000 to \$5000.

2% on excess of \$5000.

Minimum fee \$3.00. On claims \$6.00 and less, one-half of claim.

THIRD CLASS:—Claims collected by suit.

25% on first \$500.

5% on excess of \$500.

Minimum fee \$25.00.

FOURTH CLASS:—Claims collected and remitted in installments.

Minimum fee on each installment, \$2.00. When installment collected is less than \$4.00, then one-half such installment.

MR. WILLIAM G. McROBERTS: Mr. Chairman and Gentlemen of the Association: I think I ought to state, at the outset, that the work embodied in this report commenced in November, 1915, and your committee has been busily engaged in this matter up to the time of making the report, about thirty days ago.

This report is the result of careful investigation. A sub-committee was appointed for Cook County from the State Bar

Association; a similar committee from the Chicago Bar Association. That committee selected its own chairman and canvassed and investigated the matter of the schedule of charges for Cook County, making about five hundred detailed inquiries; for the down-state portion of the work three hundred and fifty-eight inquiries. Schedules were sent out, and the response which the attorneys have often made to these inquiries I believe was truly remarkable. We have these returned sheets, many of them filled out by the very best lawyers of the State, in detail, filled out carefully and returned promptly.

To give you some idea of what was done by the committee: After we had the results of these inquiries back to us, we took the counties of the various classes and ran through the specific charges for each class of service, and we used the adding machine, and divided, and averaged up, and compared, and got the exact total and average for each class of service before the full committee met to place a final value upon that service. And while some of the members of this committee were not enthusiastic when we started out to do this work, when we had our final meeting up here in Chicago in the late spring, ten members out of the eleven on the committee were thoroughly enthused over the work. And when we finally got through and got up there in that room, why everybody wanted to shake hands and say, "Come and see me again." So we felt altogether the work of this committee had been successful, and we hope that the members of the Illinois State Bar Association will take the same view.

I have three letters here which I believe are really interesting. On the back of one of these inquiry blanks sent to a lawyer in Macoupin County, filled out by him and returned, he has made this note:

"My practice in the United States Court, Appellate and Supreme Courts of the State has been so limited that I can not intelligently fill out the blanks but the answers to all other questions are based on a forty-four years practice and the observation of an ordinary country lawyer.

W. E. B. ANDERSON,"

From Danville we have a very short letter from an attorney:

"Replying to your inquiry of recent date in reference to fees in our county, I herewith enclose our bible, prayer book and guide."

and encloses a schedule of fees of the Vermillion County Bar Association.

From a lawyer in Southern Illinois whose name I will not disclose, part of his letter reads:

"Another thing, our attorney's fees are simply scandalously low, so low that I do not take all the cases which come to me because the County Judge will not allow a decent fee. He feels he is called upon to protect the State's widows and orphans. He thinks the whole duty of man is to protect the widows. The only remedy we have is to have an understanding with the client that additional money is to be paid. The question of divorce fees are ridiculously low, many times taken at \$20 or even less. He says the older lawyers of years gone by were not given to charging such fees and we younger ones have had to follow. Many a lawyer tries a case for \$10 a day, notwithstanding the case has required time for preparation. Personally I do not take such cases."

The report is printed in the book of printed committee reports which you have. But, of course, in studying this question we become more familiar with it. The main features are these: We fix a per diem for appearance in the various courts, the United States Courts, the State Courts; and possibly the next important feature is the attendance in chancery cases, partition cases, foreclosure cases. The committee feels that that matter has been very thoroughly gone into, taking the replies of lawyers throughout the State and also considering carefully the various bar association rates that are established on fees by the associations of the State. And also consulting experienced Judges and Masters in Chancery.

We believe the schedule of chancery fees is fair to the client and to the lawyer, and will provide an adequate source of income professionally to the lawyer practicing according to those fees.

The question of collections is also important, and we have come to the conclusion that the schedule of fees which is now in force with the Commercial Law League of America is the most

scientific schedule of fees, for this reason: The percentage is based upon the amount, and if you have to go into court in addition to that you get paid for what your time is worth.

Mr. President, I think it is scarcely worth while to go into the reading of the report. I might say to the members of the bar and to the Association that we state in there, among other things, that six hours shall constitute a professional day's work. The matter came up in this way, that some of our ablest attorneys said: "Suppose that I work fifteen hours on an important matter, am I entitled to charge for only one day's work?" And upon a full discussion of the matter, taking into consideration the practice down State and in Chicago, your committee thought best to fix six hours as a professional day's work, and if you work fifteen in one day you are entitled to charge for two and a half days.

I would say that the standing of the majority of the men on this committee is so high, and the work has been so carefully done and we have heard so little criticism of it, that I feel like moving, here and now, the adoption of the report, and do so accordingly, Mr. President.

THE PRESIDENT: Gentlemen, you have heard the motion. The chair calls attention to the name of the committee, and to the designation of the schedule which is, Schedule of Fees as Guide to *New Members of the Bar*. It is not intended even as a minimum fee to be collected in all cases, or as a guide for the maximum fee which some of us would hope to charge. Is there any discussion? It has been moved that the report of the committee be adopted. As many as are in favor of the motion signify it by saying aye. Opposed? It is carried unanimously.

EVENING SESSION.

Joint meeting of the Illinois State Bar Association and the Illinois Society of the American Institute of Criminal Law and Criminology.

The meeting convened at eight o'clock P. M., June 1, 1916.

THE PRESIDENT: The Association will be in order please.

The Illinois State Bar Association has always taken an interest, as those of us who have followed it well know, in the problems

which have tended to make the State better equipped to look after the citizens of the State. But, as a matter of fact, until the American Institute of Criminal Law and Criminology was founded, there was no forum in this country where there was given that careful and painstaking consideration to questions such as these that was necessary, in order to have something produced that was worth while, where there could be something more than the off-hand discussion of problems which merited a much larger discussion than can be given in a general organization, and the Illinois State Bar Association invited the Illinois Society of the American Institute of Criminal Law and Criminology to meet with it as an affiliated organization. That invitation was accepted and commencing last year we held a joint session which was successful, and the attendance at which was so encouraging that we decided to try it again this year.

So it gives me great pleasure now to turn over the meeting to Judge Albert C. Barnes, the President of the Illinois Society of the American Institute of Criminal Law and Criminology. (Applause.)

JUDGE BARNES: Mr. President, and Ladies and Gentlemen: Before calling on the speakers whose names are placed on the program, I desire to say that this subject was selected with reference to bringing before the joint meeting a topic for discussion in which the members of the bar, as well as the criminologists would be interested.

The subject selected, as announced on the program is, "Practical Phases of Medico-Psychological Work for Courts." Whether that is strictly an accurate phraseology of what will be discussed here tonight I am uncertain. But it is a subject that carries us into a new field of thought.

As you know, this subject has not received, until quite recently, very much attention in this country. The pioneer in this line of work in connection with the courts, was the Juvenile Court of the City of Chicago. Some nine years ago, Dr. Healy, the present director of the Psychopathic Institute of that court, was called into service in connection with the court, and has been in that position ever since. That, I think, was the first effort in this country to take

up that study in conjunction with court work. Some five years passed before any other court in this locality took it up, when it was taken up by the Municipal Court, and we now have a Pyscopathic Laboratory in connection with that court, over which Dr. William J. Hickson presides. Both of these gentlemen have given very extensive study to this subject here and abroad, and they are really, I think, the men who are paving the way for further investigation and the study of this subject by those interested in it. And since the laboratories in connection with these two institutions, the Juvenile Court and the Municipal Court, were established, other courts in other parts of the country have also taken up the work. I think shortly before the laboratory was established here in connection with the Municipal Court, the Boston Court took the matter up, about two years before the Municipal Court here.

Before calling on the speakers who have given study to this subject, both those who will read papers and those who will discuss them, among them Dr. Stevens, the director of the Pyscopathic Laboratory of the University of Chicago, Professor Gault, Professor of Psychology of the Northwestern University, Judge Olson, if he arrives here in time, and President MacChesney, I think it is due to those who were pioneers in this work to have some recognition here, in a public way, and I desire to call attention to the fact that it was through the foresight and sagacity of Judge Pinckney, who is Judge of the Juvenile Court, that this line of work was taken up in connection with his court. It was a new thing in this country, and that public spirited, noble woman, Mrs. Dummer, provided the means whereby that work could be carried on until it was provided for by Cook County. And it is fitting, it seems to me, that recognition of their foresight and services to the community should be had in connection with the discussion of this subject.

I now have the pleasure of introducing to you Dr. William J. Hickson, Director of the Pyscopathic Laboratory of the Municipal Court of Chicago. (Applause.)

DR. WILLIAM J. HICKSON: Mr. Chairman, Ladies and Gentlemen:

The Laboratory of the Muncipal Court of Chicago, of course, is an extremely large affair. We had the first year in the Boys'

Court, over 10,000 cases represented by 7,000 defendants. That court alone, you see, is a tremendously big affair. We had equally as many in the Morals Court; we had equally as many in the Domestic Relations Court, and in addition to that we have our numerous other branches.

The topic assigned us this evening, I had no choice in the selection of, though I think it is a good one, and I will stick rather closely to it for that reason. I might have thought of something else to bring up for discussion, but since this is the assigned topic we will adhere to it very closely.

The address is as follows:

PRACTICAL PHASES OF MEDICO-PSYCHOLOGICAL WORK FOR COURTS.

DR. WILLIAM J. HICKSON, Director, Psychopathic Laboratory,
Municipal Court of Chicago.

Programme furnished by the Illinois Society of the American Institute of Criminal Law and Criminology at the Fortieth Annual Meeting of the Illinois State Bar Association, held at Hotel La Salle, Chicago, Ill., June 1, 1916.

In the atmosphere of law a quotation from an authority is **always good form**, and since the following from Michelet* is most apropos of the topic assigned us for discussion this evening, "Practical Phases of Medico-Psychological Work for Courts," in that he has reduced to its lowest terms the principle underlying this whole subject. Freely translated he says, "The science of justice and the science of nature are one. It is therefore necessary that justice becomes a medico-psychological remedy." In other words that the scientific administration of the law in criminal matters must of necessity be based on the biological sciences as they are embraced in medicine, anatomy, physiology, neurology, psychiatry and correlated branches of psychology and sociology. This will afford a positive and authoritative basis as against the present uncertain and obscure one.

*"La science de la justice et la science de la nature sont unes. Il faut que la justice devienne une medecine s'eclairant des sciences psychologiques." Michelet.

While the topic assigned to us has many implications that are most enticing for discussion because of their interest and significance, yet since our time is most limited, guided by the *leit motif* I have chosen from Michelet, I shall select two of the more fundamental phases of the subject that are more or less reciprocal, and therefore lend themselves to simultaneous treatment, namely the duties and qualifications of an expert in a court psychopathic laboratory.

Heretofore judges have been sitting in cases covering all the gamut of human activities from the collection of a debt to literary authorship and from a clothes line squabble to homicide. But at the pace at which our civilization is developing with its specialization and consequent complexities, experts in many fields will be called upon more and more, but there will be no field perhaps where such experts will be of more use and necessity than in determining the physical and mental make-up of cases coming before the bar of justice. Such information could also be passed on to the attorneys in the case and later on to probation and parole officers and prison officials in order that the case may be dealt with understandingly to the advantage of all concerned.

There are very few positions where the responsibility is greater or the demands more numerous than that of the psychopathologist of a large court system such as the Municipal Court of Chicago. His findings will decide very largely the life and liberty of the individual, on the one hand, and the protection of the interests of society on the other. We will try to briefly sketch the two phases selected, constrained as we will be for lack of time to do it but very imperfectly and also leave enough time in which to quote some typical case more *in extenso*.

The expert will be called upon constantly to detect simulation and dissimulation in the matter of both mental and physical diseases. Many neurological and mental diseases will be simulated, such for instance as epilepsy, hysteria, amnesia, and in one case a syringomyelia, and in another a locomotor ataxia. In fact, there have been quite a few attempts at simulating psycho-neurotic conditions where the whole solution hung on a correct diagnosis. Then there is also the large group of the traumatic neuroses coming into

court in personal damage suits, where much rests on the results of the psychopathologist's report. On the physical side, we encounter attempts at feigning deafness, asthma, various colics, etc., as well as surgical conditions. In the field of dissimulation we find many of the insane who suspect all is not right with them or actually have a certain amount of insight into their condition and who do their utmost to cover up true facts, fearing that if discovered it will result in their incarceration in an asylum. There are also the drug habitues and alcoholics who go to any limit to conceal their habits, those with venereal diseases also quite often attempt dissimulation.

We find in the Domestic Relations Court, for instance, those under arrest for non-support or contributing to the dependency of children will plead they have this or that ailment or surgical condition which incapacitates them for working. In certain instances this is true, but in a great many it is not, and where it is true the degree of incapacity must be determined. We have had cases brought in as being the laziest men in Chicago, only to find upon examination that they were suffering from diabetes, locomotor ataxia, tuberculosis, etc., where a trip upstairs exhausted what little energy they had or else were cases of feeble-mindedness, dementia praecox or one of the other psychoses. We have cases like the following come into this court: A woman was receiving a small sum weekly from her husband on a court order and after a certain time returned with her attorney and a letter from her family physician, saying that she was pregnant and requesting the weekly allowance to be increased in conformity with these later developments. An examination revealed the fact that the woman was not pregnant, but had what is known as pseudocyesis (spurious pregnancy). I feel, however, that all three were acting in good faith. In another instance in this court, a girl was suing a certain man as being the father of her offspring. The evidence seemed to be against him until we measured and examined the child and determined its correct age which furnished him with an alibi, at this the girl admitted he was not the father, but that she had selected him because he was better off financially than the rightful father. We have had cases haled into this court only to find that the complain-

ing witness should really be the defendant,—only recently we had a woman in, seeking a warrant for her husband, where the examination revealed the fact that she was suffering from a preparalytic dementia and the other investigation showed that her charges were unfounded. Frequently, men with alcoholic delusions of infidelity and other delusions come in for warrants for their wives and children and more rarely, but nevertheless in quite a number of cases, it is the wife who is the alcoholic with delusions of the most unfounded kind concerning her husband, children, the neighbors, etc. We also have numerous cases like the following where one or both parents in a bastardy case are defective and the judge will refuse to marry them.

In a non-support case sent to the laboratory for examination, the man was found to be sub-normal mentally and to have one of the most profuse secondary eruptions of the mucous membrane due to syphilis that I ever saw in over ten years in the general practice of medicine and subsequent experience as a specialist. Since this man was living in his wife's home where there was a large family and since this is the most infectious syphilitic condition and no attempt being made to protect the other members of this family, the case was quite a menace. The judge saw to it personally that this man was isolated in a hospital and received the most vigorous treatment until his condition was removed. We had another case recently where a young man admits the fatherhood of a three-months old baby and is willing to marry the girl. Before going any further the judge sent the case to the laboratory for an examination, where it was found that he was suffering from syphilis, having a typical hunterian chancre. It is needless to say the judge saw to it that the mother and child were protected from contracting the disease by living together.

We had a shop-lifter in one day who not only proved to be sub-normal, but who also had large gummatous ulcers on her arms and legs. The nurse took her in charge, dressed her wounds and saw to it that she got appropriate treatment. The opportunity for good samaritan work of this kind between the court and laboratory is unlimited. The Domestic Relations Court constantly makes great demands upon the laboratory in questions of obstetrics,

... diseases, venereal diseases, etc., in ... number of mental cases. In fact we ... courts would do for business if it ... defectiveness and disease.

... Court, we find largely our future candidates for ... and the Domestic Relations Court. In the ... confronted mostly with mental defectiveness and ... dementia praecox. In fact, we think when the ... dementia praecox is written and the role it is playing ... cases into our criminal, specialized and divorce courts ... our civil courts where we see it most often perhaps as ... of litigious insanity, a psychosis with a dementia praecox ... it will be quite edifying. In this court we find a certain amount of physical diseases, such as tuberculosis, gonorrhea, syphilis and the like and also many neurological affections which deserve being taken into consideration in the disposal of a case. The **Morals Court** is very much like the Boys' Court, except that the average age of the cases is higher. We have often been asked why these girls look so young—every line a thought, no thoughts, no lines.

OCCUPATIONAL DISEASES.

Many of these conditions could easily be diagnosed during the school years and preventive steps taken.

There is also a certain amount of dementia praecox in our public schools as well as psychopathic and epileptoid constitutions which is unrecognized as such and the cases put in special classes for the feeble-minded, much to the disadvantage of both. The outside courts send no end of interesting material for diagnosis. While the two principal causative feeders to the courts are mental defectiveness and dementia praecox in its various forms, yet there is also a certain amount of psychopathic and epileptoid constitutions, epilepsy, manic-depressive insanity, paresis, etc. The laity can recognize a certain proportion of these cases to be mentally defective and the experienced judges a still larger proportion, but there is still another proportion quite large which only the expert can recognize, and while the laity and judges can recognize that

something is wrong with a certain percentage of the cases, yet they will need the services of the expert to make the diagnosis and prognosis. In many cases the delictum is the first expression of the underlying disease and may be regarded as a symptom, and this affords by its early recognition in many instances the only chance at least for amelioration, if not for cure of the disease.

There will be witnesses to be examined, and once in a while a juror who pleads illness or infirmity as an excuse, is sent to the laboratory for confirmation. In a court system of any size there will be gathered together large numbers of people, many of whom will be under great nervous strain, and we are called upon daily to render aid to such cases. Such a laboratory puts the rich and poor on an equal footing before the court; it prevents one side from taking advantage of the court or from taking it by surprise by introducing expert or medical testimony which the court is not prepared to meet. By constantly having a well trained psychopathologist at its service it can prevent many continuances until medical certificate or witnesses could be procured. It prevents unfounded pleas of illness in witnesses, defendants, etc. It prevents holding up cases to the mistrial of justice where both sides refuse to accept the expert's testimony of the other. In fact it goes a long way as a preventive and in discouraging such practices. The laboratory is welcomed by the family physician as it relieves him of the embarrassing predicament of supplying certificates for his clients where he would be constrained to stretch a point here or there, owing to the nature of the relationship existing between the family physician and his clientele. In fact in a great many instances the letter or testimony of the family physician or personal party expert is not taken very seriously by the court or the jury, whereas, on the contrary it is very gratifying to see the attitude of confidence displayed towards the *ex parte* expert.

The properly trained expert is qualified to commit cases, where necessary, to the proper institutions, such as those for the feeble-minded and insane, cures for drug habitues, acute alcoholism and the many other medical and surgical cases coming before the court.

That this work is only in the beginning is obvious to all, but those of us in direct contact with the work realize that the sphere

of helpfulness which such a laboratory can render to a court has still greater fields of usefulness to which it can be developed as experience increases, both on the side of the court as well as that of the laboratory. We regret that the necessity of the time limit will preclude any reference to the many other practical fields of usefulness of a psychopathic laboratory or the research work which is being done towards a solution of the problems of criminology and that whatever discussion entered upon in this paper is perforce so scant as to fail to do the subject anything like justice, but we do hope that we will have been able to drive home the necessity of such a laboratory and the opportunities for usefulness and the grave responsibilities devolving upon the director of such a court adjunct, which latter brings us to the other part of our paper, which will help to fill out somewhat what has gone before, as that in turn will amplify what is to follow.

Since the examinations of the director of such a laboratory will be of the highest moment in the matter of the dispensing of justice in cases where he is consulted, and that the life and liberty of an individual on the one hand, and the protection of the interests of society on the other, may hang on his decisions, and since the demands made upon him will be most varied and important, and he will have to prepare himself to meet these necessary and legitimate demands and not expect the court to adjust itself to his limitations, if the necessary training is lacking, it therefore behooves the court to demand only broadly and properly trained men for the position; otherwise the whole movement is bound to suffer, if not totally fail, with inexperienced men.

With the foregoing facts in mind, and to answer the many inquiries we have received from other cities contemplating the opening of similar laboratories, as to the qualifications of a director for a psychopathic laboratory, we enumerate the following minimum requirements:

First, at least five years in the general practice of medicine. This minimum of experience in general medicine is indispensable as he will be constantly called upon to diagnose and prognose diseases and injuries in all their forms and phases. He must be ever ready to make an examination, a diagnosis and prognosis, or go on

the stand and give an opinion or answer a hypothetical question in any branch of medicine and surgery. It will enable him to qualify to commit cases in lunacy, as most states require from three to five years experience in the general practice of medicine before they can act in this capacity and as the director of a laboratory will have much of such work to do right along, it is necessary that he be able to qualify in this particular. There is no better practical school of applied psychology than the practice of medicine. His experience in the general medical and special clinics will familiarize him, among other things, with the high grade feeble-minded who have not been getting into our feeble-minded institutions. On the whole, it has only been the low grade cases, the idiot, imbecile and low grade moron whose mental arrest appears early, that have been getting into our feeble-minded institutions. He will also get his experience in applied sociology here.

He must have specialized in neurology and psychiatry, as in these fields he will find most of his work. These subjects can only be learned at the present time from an expert. He should have clinical experience here also. His medical and especially his neurological and psychiatric training will give him the necessary practice and tact in getting "en rapport" with the case and his relations which is so necessary for successful interviews along certain lines. The ethics and traditions of the medical profession will further insure securing the necessary confidence of the cases. It will also give him the necessary experience in evaluating and getting at the essentials in the heredity of a case, which are usually missed by those not having had a long and particular training at this, as is so grossly patent in many of the heredity studies recently attempted by those lacking such experience. And the same is true of field work undirected by such a trained person. His psychiatric experience will enable him to detect heredity, constitutional defects in relations of the case of the utmost importance in their bearing on the question involved. For instance, experience is teaching us that where dementia praecox is present in a family, all members of that family showing traces of it, are *scheza phrenoid*.

He must familiarize himself with the principles and methods of normal and abnormal psychology, for much of our advanced

work lies in approaching mental diseases from the psychological side.

He must have spent at least six months in an institution for the feeble-minded, as the feeble-minded are like the insane, you have to live with them to know them. In this way one becomes familiar with feeble-mindedness qualitatively as well as quantitatively, and it is no doubt the lack of this knowledge which causes so many cases in Juvenile Courts to be diagnosed as having average intelligence, because the mental arrest may set in later, and about the time they were examined they had not quite reached their level of mental arrest, and while only diagnosed quantitatively appear to be all right. He must have spent at least six months in an insane asylum for the same reasons as the foregoing he will have obtained his knowledge of the latent and light grade cases in his neurological, psychiatric and medical clinics.

A course in criminology and criminal procedure will not some amiss in court work. The author collaborated with Professor Keedy in 1914, in giving the latter's class in criminal procedure instructions along the lines of work undertaken by a psychopathic laboratory.

At first blush it might appear that the extensiveness of the demands made upon a director of such a laboratory would have to be at the expense of intensiveness, but such in reality is not the case, for the expert knowledge demanded here is quite homogeneous and correlated. The neurological and psychiatric specialists have all had medical training, very few taking up the specialty before five years in general practice. Such men; if there are any anymore who have not a sufficient knowledge of psychological principles and methods, can soon acquire them. Now that our medical schools are demanding from two years preliminary college work to an A. B. degree there will be few medical men who will not have had a sufficient introduction to psychology and laboratory methods to meet the situation.

It is absolutely necessary that all men engaged in a directing capacity in the work be psychiatrists, otherwise the most dangerous cases of all will be overlooked.

It must not be lost sight of for an instant that thus far our

psychological tests only amount to mental thermometers. This applies more especially to the Binet-Simon and similar tests, which are the sole armamentarium of a large class of workers now at large in this field at present, much to its detriment. The most these individuals are capable of is work similar to that of the nurse to the physician. It is like a clinical thermometer or a blood-pressure apparatus; it gives you certain facts but does not make a diagnosis. Different results on the Binet-Simon and similar tests may simply furnish signs pointing to one of a dozen different conditions, all the way from feeble-mindedness to insanity, and from an epileptic Dacmmerzustand to a brain tumor. These tests like the clinical thermometer require further experience and interpretation by the well-rounded man in medicine, neurology, normal and abnormal psychology (psychiatry). In this position we are supported by practically all legitimate psychologists who realize the unfitness and danger of the person with only a training in such tests and the reaction it is going finally to mean against psychology much to the dejection of those of us who see in the development of psychological methods in properly trained hands one of the most hopeful approaches to the study and advancement of psychiatry, which such work as has already been done along these lines presages the greatest accomplishments. One of the tests that comes the nearest of any to being on and for itself of direct diagnostic importance is the visual memory test of the Binet-Scale discovered and used by the laboratory also qualitatively, and which Chief Justice Olson has most appropriately named the "mental finger print method," but even here, when done by the expert, the diagnosis needs confirmation and interpretation from other tests and examinations. It might be thought that the lack of the broad training here demanded might be surmounted by having specialists in the various fields involved examine the case in turn and pass judgment on it. This will not do for at least three important reasons, the first is the cases will not tolerate it and will be disturbed by such a framing out process to the various experts. It would be too costly to keep such an expert staff in a court all day, and next to impossible to transport cases about the city to the offices of such men. The second objection, is the element of time in court work, which would not permit in a

large percentage of cases the time that would be necessary for examinations to be made by the various experts in the different branches, where they were not correlated and done with regard to the relationship of one to the other in the particular case. And furthermore, much of the work would overlap and be too general, and not carried on with that despatch where the examination is in the hands of a properly trained expert with an assistant to give the preliminary tests, just as the nurse takes the temperature, pulse, respiration, etc., of the patient for the physician to then go ahead and with the information and his subsequent examination, reach a diagnosis. It would also be impractical to have so many experts go on the witness stand or render reports to the courts, as the latter would not be able to evaluate what correlation might be existing between them.

The third objection is that there must be some one in the end able to correlate and unify the different conditions found in the medical and physical, heredity, neurological and psychiatric, etc., and present these in their logical relationship and causative importance in a report and the only man who is able to get right to the core of the matter, discarding the irrelevant and preserving the relevant, is one properly trained. Such a trained man will get to the causal relationships and diagnoses quickly. That it takes men lacking this training quite a long time to arrive at a diagnosis is not surprising; that they ever arrive at a diagnosis is quite interesting.

In conclusion with Michelet's quotation in mind I think of a quotation from Chief Justice Olson when he was discussing the case with a social worker of a boy aged nineteen arrested for theft. Judge Olson said, that "when a nineteen-year-old boy tests ten the black story is told," or to borrow one from Judge Hopkins, "To know all is to forgive all."

Michelet's quotation brings out the question: Are we going to practice law or justice? In the first case, we will stick to the letter of the law with its right and wrong test until the heavens fall. Or will it be according to the spirit of the law which means justice, and ask ourselves some questions like the following, presuming, of course, that we are familiar with the advances made in the field

of medicine, neurology, psychiatry, sociology, heredity, etc., and say of the delinquent, "If he had my mentality, my heredity, my opportunity, would he have done any differently from me?" and obversely, "If I had his mentality, his heredity, his opportunity would I have been any different from him?" And since the delinquents make up a very small and static per cent of the community, I would ask if they have free choice in the matter, why they have chosen the darkness instead of light, why they set themselves off as they do from the rest of the community? It seems not too much to ask of our judges, prosecuting attorneys, etc., who are the final arbiters in many instances of the life and liberty of their brothers and sisters on the one hand, and the safeguard of the interests of the public on the other, that they acquaint themselves with the developments, going along cognate lines, in medicine, sociology, etc., and their significance and application and with this thought in mind, I will close with a final quotation from that modern beacon light of criminology Hans Gross, who says:

"That it is much better if we make a mistake of sending ten normals to the psychiatrist for examination than that we make the mistake of overlooking a case that should be sent, and condemn him. And do what we will, we can never eradicate the blemish on our procedure which has allowed us to condemn so many irresponsible individuals all these years."

Dr. Hickson then gave an analysis of a series of cases illustrative of the material from the woman's court.

JUDGE BARNES: The next speaker on the program is Dr. William Healy. (Applause.)

The address is as follows:

PRACTICAL ASPECTS OF MEDICOPSYCHOLOGICAL WORK FOR COURTS.*

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COURT OF CHICAGO.

Medicopsychological work has been carried on during several years for a number of courts in this country, hence the practical aspects of this procedure can now be discussed in the light of accumulated experience. Like any other science, this study of human individuals is to be measured, and, indeed, should continually be measuring itself, by its proved grasp on the definite issues which it aims to meet. Above all things, this investigation of delinquency is not to be a science based on general or theoretical conceptions of causes and results, as was an older criminology; above all things it should be most deeply interested in the concrete problems of genetics and outcomes.

In just these respects every practical science is quite unlike the law, which is so essentially grounded on theory, and unfortunately proceeds from generation to generation with very little checking up of successes and failures. And not only the court procedure relating to offenders, but also penal practice goes on in the same way, and immense effort is expended without that counting up of results and study of alternative possibilities which every progressive science demands.

The immediate service of medicopsychological work consists in developing the foundations of prognosis. For courts dealing with offenders, certainly one of the most important problems is the outlook for the given individual—what is the prospect for him and what for society, concerned with him as one of its members. Considering the manifold powers of judges and juries, including dismissal, longer or shorter sentence, probation and parole, this estimate of what the future will bring is most desirable. A prime question is concerned with what this individual's behavior is likely to be under this or that set of circumstances, after this or that type of treatment. Nothing is more vitally important as a guide to intelligent effort at accomplishing the best for all concerned.

Prognosis is altogether a different affair from diagnosis. The statement that John Doe is a certain type of individual, with, perhaps, certain peculiarities of mind or body, that constitutes diagnosis. But as I once heard a learned judge say after reading a long description of the offender, "What good is this to me? I want to know about the chances concerning this young man's conduct in the future." Much more to the point than such diagnosis, it has long seemed to us, is thorough study of the etiology of the misconduct in question. What brought about the misdoing? It is plain that we need to know causations in order to draw conclusions; prognosis involves more than diagnosis of physical and mental status.

Behavior itself always represents an interplay between the individual and the environment. Biology shows us this convincingly, and in graphic form as we observe the lowest forms of life. A million times more complicated is the play of civilized environment on the human individual—environment meaning, not only physical surroundings, but also many phases of living conditions which produce mental reactions. Nothing is any clearer than the fact that outside influences must be reckoned with if we wish to know what are the causes of misconduct, not only in general, but also in the given case, and especially if we would calculate what the future may bring. I would insist always on the complexity of environmental factors; two individuals living in apparently the same surroundings may be really subjected to widely different influences. So, for determination of the prognosis, there should be more than a superficial knowledge of environmental factors to add to the data concerning personal characteristics.

In considering causations of misconduct we are led to think of much that has been written on the legal conception of motives. After all, those students who have offered a scheme of meting out justice according to this criterion have not been so far wrong—if one could only determine and fathom motives. But, certainly, there is no chance for the slightest appreciation of motives unless the interaction of at least the main factors of causation are ascertained. In addition to environmental influences and the effect of mental peculiarities, there are greater depths to the psychological

There is, for instance, the study of the dynamic conditions of mental life, the habits and the obsessive thoughts and impulses which urge towards misconduct, just as they urge towards good conduct. We can hardly touch on these here, but we venture to say that they form an immense field for investigation in the future.

Moreover, I know of no more fundamentally practical aspect of our subject than that whenever opinion about an individual's future is expressed it should be safely based on data concerning his environmental conditions, including opportunities for physical and moral development; prior educational and moral successes and failures; previous conduct; habits; delinquent conditions; as many of the facts of heredity as are ascertainable; physical make-up; mental characteristics as estimated from various standpoints; and finally, on a survey of practical aspects of conditions.

A prognosis, to be of service, must give indication of what is likely to occur with the various adjustments that are or may be possible under the auspices of a court organized to fulfill its specific function of protecting society. What if the offender goes back under probation to his old manner of living? Suppose he is incarcerated in a given institution, will he come out more or less likely to offend? Is a long or short term likely to reform his tendencies? If he could have an entirely different environment or change of occupation, does that promise anything? Does he belong to one of the classes that needs permanent segregation or colonization? These are the vital questions covering the interests of society. They can only be answered by thorough study of the etiology of misconduct in the particular individual.

Those who are imbued with the idea that the legal treatment of offenders should proceed from the principle that punishment is a deterrent of delinquency and crime, to say nothing of those who believe in the ancient practice of retribution, may be somewhat impatient with this talk about prognosis in the individual case and with the whole movement for the establishment of biopsychological work in courts. But there can be no essen-

tial disagreement here, since to deter from offense is the aim of all workers in this field. And, furthermore, the truth is that the very fact and possibility of deterrence needs much qualification. I, who thoroughly believe in this as a partial principle, see clearly that with certain individuals and under certain conditions and as applicable to certain types of offenses it does not work at all. In general, of course, the swift, unswerving administration of the criminal law must tend to deter, albeit with those frightful wrackings of human life that Mr. Galsworthy portrays in "Justice" and which our American ideals of civilization and social welfare will not contemplate as a possible method. On the other hand, anyone with much experience with delinquents knows case after case where punishment given has utterly failed in its hoped-for deterrent effect, or where sentencing a brother or comrade has not in the least checked a career. Then think of the appalling general statistics of recidivism. The essential fact is that here again only an individual prognosis, built up as we have indicated, will give the clue to what will result from any form of treatment. Well-balanced medicopsychological work is indispensable for this very reason, and it may be well to state, parenthetically, that great differentiation of individuals for punishment is necessary. General theorizing concerning types and classes is not safe and is not good psychology. Nobody will expect me to cover this topic here (I have elsewhere written on it), but in illustration it may be said that one finds not a few feeble-minded persons, for example, members of a class one would expect to react otherwise, proving themselves very amenable to even the contemplation of punishment. On the other hand, one may see instances of those of normal mentality and good external habits, with an inner urge towards misconduct which brooks no interference through the idea of possible consequences. I am inclined to think that it is sheerly on the basis of failures seen with just such individuals that some judges of long experience are welcoming investigations that will do away with the wholesale scheme of administering punishment in a vain hope that better behavior will follow.

Realization of the scientific worth of studying causation should immediately suggest that only on such foundations can

be built a fair critique of the efficiency of the expenditures of courts and other institutions for the treatment of offenders. Until a rational expectation of conduct is formulated for each of those committed or put on probation under various conditions, no evaluation can be made of failures or successes, not even an approach to efficiency studies can be developed. It is a matter for strong comment that there never has been forthcoming from men engaged in administering the law any carefully worked out investigation of the efficacy of sentences given or of other measures prescribed. Indeed, so free from self criticism are courts that very little recognition, and sometimes none at all, is made of that most significant fact, recidivism—the repetition of offenses in spite of what the court has previously attempted by way of deterrence. When careful studies of cases are made for courts surely there will be more encouragement to adopt that first principle of all progress, self criticism.

Turning to the working arrangements for medicopsychological work in connection with courts, there are some matters of particular interest. With us a department for this type of work was introduced as a psychopathic institute. Although nowadays we are not the only court with such an adjunct department, for years I have not been well satisfied with the name. It appears to commit too strongly to the idea that only mentally abnormal offenders need to be studied. Beginning our own researches with cases as they came, we soon found the great value of thorough investigation, psychological and medical, even where there proved to be no evidence of insanity or mental defect. Just in these normal cases, some of them, great recidivists, are found the greatest opportunities for rendering service and advising with the judge and other officers of the court. Probably in treating with adults there would be less chance for this, although there must be a great field for so working with adolescents who, although over the usual juvenile-court age, still should be treated as the juveniles they really are. In some courts there has been a definite attempt to keep clear of the word, psychopathic. In a Seattle court there was established a definite Department of Diagnosis and in other

places the work has been merely termed research or examination made for the court.

Nothing is more necessary to the scientific worker than adequate opportunities for making thorough studies. The element of time is important. I know a number of men who volunteer expert services occasionally for courts and they, together with the judges for whom they work, comment on the unsatisfactoriness of this. A single case may require hours of investigation. It is altogether unfair to the worker and to the offender to demand a quick examination and report. Errors are thus liable to be made which will throw discredit upon the whole procedure. Unjust, also, is demand for investigation and report on the day of trial, except in the most obvious cases. The proper investigation of causation often is not to be made in one or two days.

The place of examination is important. One sign at present of growing recognition of the value of scientific observation is in the establishment in many places of detention homes for juvenile offenders, where cases may be definitely held for study. Under proper circumstances many cases could be seen before trial, and every judge should have the privilege of remanding offenders to an institution where competent further study could be made. In the new woman's jail in New York rooms for observation are planned, but jails, everywhere so notoriously unfitted to do anything but increase personal tendencies to crime, rarely, offer the slightest opportunities for examination. In Sarah Cleghorn's poem, "The Jail," the first lines ask,

"Is this a clinic, then, for ailing souls?

A shop for damaged manhood's skilled repair?"

The opportunity to follow up cases is an essential for scientific work. Through this is offered the only means of ascertaining the actual possibilities of dealing with special types of individuals and of elements of causation. Only through reviewing the results of efforts made can, in any given community, the value of various agencies and institutions be estimated. Moreover, only by later study can there be such testing of previous prognosis as affords adequate opportunity for further growth of this new science of studying offenders.

Lawyers should be cognizant of certain types of errors which may arise if unfair demands are made of medicopsychological work and if only inadequate opportunities for study are furnished. I speak here from the experience of years of seeing cases over again. Observation under better conditions and with more complete information may give very different notions of the individual from what is merely gleaned by examination at or about the time of trial. Among other contingencies, the emotional conditions which then so naturally prevail frequently preclude accurate diagnosis. There may be states of mind that entirely mask the individual's real characteristics and, for the time being, absolutely interfere with reactions, even to the extent of preventing a normal performance on mental tests willingly attempted. Anger, indignation, depression, fear, are the main emotions causing nervousness, excitement, and, much less generally understood, inhibitory states of stolidity, apathy, and blocking of the powers of attention and response. I remember a young fellow who could hardly utter a word in testimony before a certain judge; we discussed his dull mentality, but noted the widely dilated pupils, so often seen in unhardened offenders at the bar of justice, and a closer examination showed a pulse of 130. His apparent mental disability, continued for hours, turned out to be the result of emotion. The fact that such errors may be made should make it clear that only a fallacious conception of medicopsychological work will lead a judge to require a diagnosis or prognosis made at the time of trial, except in the most obvious instances of feeble-mindedness, insanity, or physical disease, where a trustworthy history is corroborative.

Another matter for consideration is simulation of mental disability. We are likely to have more of this in the future than in the past; it has already appeared and with the extension of the type of work under discussion will be more often contemplated by offenders as a possible way of avoiding the penalty of responsibility. We have repeatedly seen cases where rapid survey resulted in the opinion that an individual was feeble-minded; the observed reactions really being the result of deliberate simulation with the idea that some advantage might thereby accrue. With the proper opportunity for examination such cases can be detected, and only

in wonderfully rare instances will the simulator get anywhere near the point of confusing the diagnosis.

It is hardly the place here for entering into the technicalities of mental testing, but I would emphasize one practical point that arises in this connection. Our experience shows clearly the mistakes that may be possible if one proceeds to prognosis merely upon the basis of short study of the individual without knowledge of his previous social career. We have concluded that for a safe statement concerning an offender's capacities it is absolutely necessary that one should know the essentials of his past. I have gone so far as to state that when, for instance, mental defect is apparently indicated by the results on tests, the burden of proof is on the psychologist to show that these results are in the highest degree of probability representative not only of the individual's best efforts, but also are in accord with his social career and social possibilities, before a prognosis is rendered. We have noted some striking discrepancies between laboratory diagnosis and life history, when the two were not correlated for the understanding of the case. Altogether, as time goes on, we find ourselves less inclined than ever to make hard and fast predictions without the most careful interpretation of all facts which can be gathered.

Considering the wonderful complexities of mental life and all the chances for error in diagnosis, it seems that there must be slight appreciation of the practical aspects of the treatment of offenders on the part of those who would demand that a medicopsychological prognosis, or even diagnosis, be rendered without ample precautionary study of the case. And then, remembering the salient fact that mental life is alone the source of misconduct, can it be necessary to make any answer to those of the legal profession who suggest that the medicopsychologist is an unnecessary adjunct to court work? We have heard it said that ordinary observations through long experience in the court room give a background sufficient for making a diagnosis of mental defect and aberration, and that a common-sense prognosis is just as valuable as one offered on the basis of definite study of the case. Is any statement necessary in contravention of such opinions?

Lest there be objection to adding to the already tremendous

expenditure for crime, let us once more cite the facts set forth by Boies and later by Moore, that the average cost of conviction by trial in this country is fifteen hundred dollars. We may then reasonably bear down upon the point that surely in the interest of the best disposition of the case a few dollars more spent on scientific study would not be proportionately great. As a matter of fact, one has known most expensive criminal trials that could well have been obviated had there been proper study made prior to setting in motion the machinery of prosecution and defense. Moreover, considerable sums may be saved by the adjudication of cases according to what may safely be prognosticated in regard to the individual offender's future.

To the lawyer the formal working relationship between the medicopsychologist and the court seems, no doubt, of great import. With the socialization of our courts that Professor Pound, in particular, emphasizes as an ideal, the adoption of such an aid to the law should prove readily possible. Scientific work should be done in the direct service of the court, and the scientific worker should be established as a friend to the court, advising and discussing existing conditions and future possibilities. This is in strong contrast, of course, to the much-to-be-deplored *ex parte* testimony of medical men. Thinking of their disagreements, one must appreciate the fact that these are expressed from different standpoints and that the differences would largely disappear if there were disinterested discussion of what was best to do in the interests of society or of the individual. Perhaps I am dismissing too summarily questions of formal relationship, but it stands out clearly that with a favorable development of public opinion, such as is sure to take place, steps towards adjustment of the matter should be easy. In the comprehensive statutory enactment drawn up by Justice Deuel for the state of New York, provision was made for the calling in of medical advisory service by courts, the service to be paid for by the state.

At this point it may be well to note a fact which we have repeatedly stated before, and which is of considerable importance in judging of the practicability of developing this whole plan of study. We were originally surprised by the attitude taken by

offenders towards scientific study of their conduct and its causation. They almost invariably react in an entirely different manner from that shown toward police and ordinary court methods. This fact has been amply verified by others. Nothing shows greater hope of the possibilities of obtaining good results from the application of better methods in this field.

Concerning records: the full case histories of scientific studies of offenders for courts will contain much confidential and scientific material. The latter is only to be interpreted professionally, and none of it should be part of the usual court files, open to all. Only by such precautions can professional attitudes and confidences be maintained. We have recently had a decision upholding, so far as our court is concerned, the privilege of our records through the Illinois juvenile court statute, which states that no part of the evidence should be used in any other court, civil or criminal, against the individual. Concerning the form of records, there are the points which have been covered by the reports of Committee A of the American Institute of Criminal Law and Criminology. In them it was shown how records could be kept in scientific fashion with categorical summaries bearing on the case. These for our purposes have been found most valuable, and many students who have worked with us, including a number of judges, have been able to gain from cases so recorded much appreciation of methods and of types of individuals and causations.

It appears little short of marvelous that the ordinary court record should contain so little that is helpful to the forming of opinions concerning the best methods of treatment. There is so little registration of the actual problem involved, of the characteristics of the individual handled, and of the possible causation of his misconduct. Without this type of record how can it be conceived that judges can develop understanding, or that there can be any growth of a science of criminalistics, or that, in the special case, there can be any appreciation of how to handle the individual in the future, as unfortunately so often has to be done.

While all that I have said concerning medicopsychological work in courts applies for the most part to both adult and juvenile offenders, nevertheless one cannot escape the conclusion that

such study is most favorably carried on with younger offenders. At the earlier age more of the fundamental facts may be known and the most effective adjustments made. When judges perceive the intellectual and scientific as well as humanitarian bearings of juvenile court work perhaps there will be less disinclination to serve in this field. The adult offender, necessary though it is to try to solve his problem, represents more the end results of factors that should have been and often might have been studied and modified earlier.

No discussion of the practical aspects of medicopsychological work is complete without some acknowledgment of its present limitations. A science which has as its wide aims the study of genetics and the accomplishment of practical results, deals with problems so complex and difficult that it cannot be easily or rapidly developed. The backbone of it is applied psychology, and this is in the making. Even psychiatry, a much older science, still shows terrible gaps in our knowledge of what constitutes and causes mental abnormality. In both psychology and psychiatry there is promise of much change in the future. A wise outlook is that offered by Professor Keedy, who suggests that all legislation pertaining to mental abnormality should be so framed as to leave room for expected alterations in our understandings of mental life.

Nothing is more sensible than to acknowledge that medicopsychological work in courts is a new application of a new science, capable of extensive development and great usefulness. Nothing is more sensible than that the scientific man and the lawyer should join hands in working out many of its problems, or at least that the lawyer should appreciate the service which can be rendered and attempt to afford medicopsychology the conditions for growth which it so richly deserves. As the related science dealing with causes it offers the only logical foundation for future progress in treatment of the problems of delinquency. Concerning these problems let us, modifying Patrick Henry's dictum, insist that there is absolutely no way of judging the future except by knowing the causes of the present.

PROF. ROBERT H. GAULT: Mr. Chairman, Ladies and Gentlemen. I do not propose to discuss these papers, for several reasons,

one of which is this, that many of you people here no doubt want to ask the principal speakers a number of questions; the second reason is that I have not seen these papers previous to this evening. As you all know, many people, at any rate, who can contribute something worth while upon an occasion like this, are so fully occupied that they are not able to get their papers in the hands of the discussers. And a third reason for my not discussing these papers is that I feel very sure that I can not add anything in the way of constructive criticism to what had been said.

One thing that is borne in upon me no doubt has been borne in upon you also. Just as Dr. Hickson has said here this evening, and over and over again previously, that for the successful performance of the work in which he and Dr. Healy are engaged, thorough-going preparation on the part of the examiner is absolutely requisite.

It is inevitable, I suppose that a movement such as this laboratory movement, should attract to itself a great many people whose preparation is altogether inadequate. Perhaps I should say that is inevitable outside of Illinois. But this is nothing that is characteristic to America. I have been recently looking over the files of recent numbers of one of the German journals of criminal psychology, a journal edited by the very highly learned Gustave Schaffenberg, in which I find complaints to this effect: That in Germany and Austria there are many people engaged in the psychopathic work in laboratories, especially in the prisons of those countries, who are unfitted by training to engage in the work. That is unfortunate. Of course, it is one of the good things about human nature, is it not, that our ideas and ideals are constantly running ahead of our ability to realize those ideals.

There has been a good deal of discussion, as most of you know, no doubt, of the causal connection between mental feebleness, of whatever sort, and criminology. As Kaufman and other psychologists in the German universities and laboratories have said, at one time and another, and recently Prof. Gross too not long before his death, each one of them speaking in connection with this causal problem, we do not know enough about the mental and physical condition of persons who are living normally honest lives, in the

trades, in the street, working in the shops. Perhaps when we know as much about these people as we do now about some groups at any rate who are in prisons, and coming to our courts, we shall be able to say better than we can say now what is the causal connection between mental feebleness and crime.

Fortunately we have beginnings in that line of investigation in this country and abroad. Dr. Wiedergal, of New York, now in Cincinnati, has made and will soon publish the results of an extensive inquiry into the mental and physical condition of shop girls, waitresses in hotels, chamber maids, and so forth, compared with the mental and physical condition of girls who are in the state reformatory at Bedford, New York. That, I think, is one of the lines of inquiry that we are going to emphasize more and more in this country.

One thing more I will mention, which most of you are familiar with. That this very movement which Dr. Healy and Dr. Hickson represent in the courts is being observed in the prisons of our country and abroad, in our own House of Correction in Chicago and in numerous prisons outside of our State. Here the effort is being made to size up the people in the prisons, to follow them up year after year, making repeated tests and examinations as to their mental and physical condition, and attempting at the same time to find out from these tests what these people may be able to do, and to do best. That is in line with the educational spirit of our times. It is exactly the same movement that we have in our public schools, where we are attempting to find out the mental characteristics of pupils in those schools, and to fit them for work which they are adapted for doing.

The probability is, I understand, that in the not very distant future New York state will have in its penitentiary at Sing Sing, a laboratory established for the purpose of following up the mental and physical development of prisoners there and to establish there also a vocational school or schools, shop work, industrial work, in which the prisoners may be trained, in order that they may be educated and best fitted for work which they may engage in when they get outside of the prison.

I mention that only to call attention to this, that the work

that is proving its value in the courts is being extended, and I believe, Mr. Chairman, that we may expect a great development in this line of work in the not distant future. (Applause.)

THE CHAIR: Judge Harry Olson will favor us with some remarks on this subject. (Applause.)

JUDGE HARRY OLSON: Ladies and Gentlemen. The hour is late, and I am not going to undertake to go into many phases of this subject, except what is important to us in the immediate future in Illinois.

We have no place to send these defectives and feeble-minded who come into our courts charged with crime. Of course, Lincoln is practically full; and we need to develop farm colonies for this class.

I had occasion recently to investigate the reports of various institutions for the feeble-minded, and I was struck with the complaints which they made about the difficulties of keeping the feeble-minded together with what they call the defective delinquents. The defective delinquent may have a good many things the matter with him. That is a general term. What is he? Is he a dementia praecox, a dementia praecox grafted on feeble-mindedness, is he epileptic, or a moral defective, or what is he?

The number of complaints made by the superintendents of these institutions, and the doctors, indicate that we will have to develop two types of institutions or farm colonies, one for the pure feeble-minded, who is generally a well behaved person. About fifteen per cent perhaps, or twenty per cent of the feeble-minded are due to injuries to the brain in early life, or to injuries to the brain at birth. These cases are much more tractable and easier to handle than the cases where there is defective heredity. Some of those who are feeble-minded not by reason of heredity can be cared for very well in farm colonies without much difficulty or trouble, they are tractable and kindly. In feeble-minded institutions you will find them very happy and agreeable where the attendants know how to care for them. But the defective delinquent, so called, who is such by reason of heredity and who has probably dementia praecox or is a moral defective or some other type that I do not know about, is dangerous. We find, for example, here in Chicago,

the judges who sit in these specialized courts are able to identify this class and after reading of a crime are able to guess about the mental status of the perpetrator. Assaults upon women by youths are, many of them, due to what Dr. Hickson calls dementia praecox, and dementia praecox grafted on feeble-mindedness.

I have in mind cases in the Criminal Court, when we had no knowledge of these mental troubles, our physicians did not even use the word feeble-minded, they called them backward, they had no idea what their mental age was in those times. We had such cases in the Criminal Court during the ten years I was there, but we had no knowledge of what the status was, we had no notion about the fact that these defendants were, perhaps, twelve years or below, and we had no notion about any other disease being complicated with feeble-mindedness. But I can recall now, after hearing the alienists and psychologists discuss these cases and seeing types in the courts, that several of the cases we had in the Criminal Court that attracted a great deal of attention, were cases of this type, particularly the dementia praecox grafted on feeble-mindedness; and that type of youth is dangerous. I know when this young Petherick was charged with the killing of Mrs. Coppersmith and her baby, several of our judges discussed that case and decided about the type of youth who had committed it, from the newspaper accounts of the crime and before the perpetrator had been identified. It developed that youth was about ten and some two-fifths years of age mentally, with a basic ground of dementia praecox. A number of such cases appear in the community and they are prosecuted sometimes, as normal persons, the death penalty is loudly called for by the ignorant prosecutor, the judge is embarrassed because the relatives sit about, no one expects the judge to inflict the death penalty, and yet it is called for by the prosecutor who does not understand the situation.

The amount of disturbance of this kind among those charged with crime is astonishing, in view of the fact that heretofore they have not been gathered together the same way they now are, especially in the Juvenile and Boys' Courts here in Chicago. By specializing the business of this latter court and bringing the boys from seventeen to twenty-one into the Boys' Court we get all,

practically that make disturbances and violate the law in a city of two and a half million people. And when you add to them defectives that come from the Court of Domestic Relations where troubles between husband and wife are heard, and wrongs against women and children are adjudicated, and those who come from the Morals Court, you can see at once that we are overburdened.

We have not been able in the Municipal Court to more than sample what we have, and yet some days as high as eight or ten feeble-minded boys may be found in the waiting room of the Boys' Court. Our judges are gradually learning to identify this type, both by the character of the crime committed, and by the appearance and conduct in court, even before sending them to the laboratory. Other judges are not so apt. We try generally to put upon the bench of these specialized courts men who take an interest in the subject, who will investigate and study and give their time to it. And it is astonishing how rapidly the judge is beginning to identify the case. A case can frequently be identified by the conduct and action of the individual in the commission of crime.

I sat in the Boys' Court for a time, and a boy was brought before me about nineteen years old, who had committed a burglary. The burglary consisted of the breaking of a plate glass window with a brick. The proceeds of the burglary was a small box of gum and a bottle of perfume, articles that could not have brought him over fifteen or twenty cents, altogether inconsistent with the chances that he took. Of course, that boy went to the laboratory and Dr. Hickson found he was nine years old mentally.

Here was an individual who had the same instincts to eat, sleep, to have shelter, that we have, and had not the mentality of his years and could not compete with other boys of nineteen years, could not hold a job, and so he undertook to satisfy his wants by the most direct and immediate method, and so committed a burglary. And that is the incentive of most of the crimes of these feeble-minded cases. But the serious offenses are committed by those who have other troubles, according to the doctor.

A MEMBER: What did you do with that boy?

JUDGE OLSON: Under the law as it now stands we could only do three things, discharge him on probation, or send him to the

Criminal Court; or the boy could be sent to the psychopathic department of the House of Correction on a larceny charge. That is the only way we have to handle them, except in young cases, they are sent to Lincoln, when they are able to take them. We had word from Lincoln at one time that they could not take any more; and at other times they could take them.

The other day I ran across an interesting matter in looking up decisions of the courts on these questions. I found an opinion of the Supreme Court of Alabama, in 1886, by Judge Summerville, that would be sound in the light of the opinions of Dr. Healy and Dr. Hickson. The case is up-to-date. In looking at that case I wondered how Judge Summerville could be so far in advance of his time. I discovered that he had come across the German code that was written thirty years ago, and on the basis of that code he had held that the right and wrong test was not the only one for crime; that there were those who had knowledge of right and wrong yet might be so afflicted with mental disease that they should be excused for crime committed by them. That case and I think a decision by Judge Doe in New Hampshire stand out as beacon lights in this country as decisions far in advance of their time.

We in this State might re-write, next winter, portions of our criminal code on insanity. For example, the lunacy statute, just listen to it!

"That the word insane in this act shall be construed to mean any person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate, or is dangerous to himself or others, if permitted to go at large, or is in such condition of mind or body as to be a fit subject for care and treatment in a hospital or asylum for the insane."

In other words, some legislators thought it wise to let the subject go at large, provided it wasn't absolutely necessary to lock him up. After he has done damage or killed somebody he comes under the proviso, otherwise he may be outside. Then they undertake to say:

"Provided, that no person, idiot from birth, or whose mental development was arrested by disease or physical injury occurring at the age of puberty, and no person who is afflicted with simple epilepsy shall be regarded as insane, unless the mani-

festations of abnormal excitability, violence or homicidal or suicidal impulses are such as to render his confinement in a hospital or asylum for the insane a proper precaution to prevent him from injuring himself or others."

Now there is a legal attempt to describe insanity. Insanity is not a legal question, it is a medical question; a question of fact and not of law, and it is undertaken to be written into the law here, as part of the law.

A MEMBER: Do you think that insanity as defined in the Hobs case is a correct rule to go by?

JUDGE OLSON: No, I think not. I happen to have commented on the Hobson case in an address I made before the California Conference of Charities, and I happen, therefore, to have the language of the Hobs case here. I will read it to you, and you will see it.

"The unsoundness of mind or form of insanity which will excuse the act must be of such degree as to create an uncontrollable impulse to do the act charged by over-riding the reason and judgment and obliterating the sense of right and wrong as to the act done, assuming that he has a knowledge of right and wrong and depriving the accused person of the power of choosing between them."

This language of the Hobs case is merely a layman's definition of a brain storm. That may have been a brain storm case. The trouble is, so many of these decisions have been written on bogus defenses of insanity.

The statute law should be written in accordance with the best obtainable medical opinion on the subject, and our decisions, of course, in the past, have been based upon English laws, and England has been notoriously backward in the study of mental diseases. The superintendent of one of the insane asylums of London, with whom I consulted before opening the Municipal Court laboratory, told me England was twenty years behind Germany in psychology and psychiatry, and advised me not to read anything English, either medical or legal, on that subject. I thought that was strong enough for me to keep out of it. And yet I ran across a decision in 1862 by the House of Lords, that will show what has happened in England. A declaration made by the Lord Chancellor of England to the House of Lords in March 11, 1862, that

the introduction of medical opinions and theories on these subjects proceeded upon the vicious principle of considering insanity as a disease.

We in this country have been so obsessed for precedent in England on the commercial side of the law that we formed the notion that is the place to go for decisions on insanity, so these lunacy statutes have been from England and reenacted in this country, while they have not been active in the scientific field at all.

Five years ago they made a study in England of whether or not there was a way to find whether a person was feeble-minded and they described how persons wore their clothes, how often they washed their faces, and they wound up by saying there was no way to do it. And yet Paris was five hours out of London and the Binet-Simon scale had been used for twenty years, and the psychological scale upon which it is based had been used in Germany thirty years. I suppose it is the commercial dominance of their island empire that has led them to ignore these facts. Certain it is that on the continent they have made much further progress, and we, by following English decisions, have gotten into error from the Atlantic to the Pacific in this field. It just so happened that an Alabama judge had an idea that was sound, and he says that the best men in the medical and legal profession had given a great deal of attention to this in Germany.

We are having some difficulty in this country by reason of the fact that we have a great many psychologists working in this field who are not technically trained. Suppose the doctor says you have high blood pressure. That may come from a bad heart, a bad liver or hardened arteries and probably many other things. Now the psychologist tells you about the measure of intelligence that is needed for a certain year. The average psychologist says the mental arrest is due to feeble-mindedness but it may be paresis, may be dementia praecox. The psychologist, having beaten the alienist in measuring mental age, has become very ardent. One of them told me, "I know a good deal about mental and nervous diseases, but I never took a medical course at that." No doubt he does know a lot about it, but you can never put him up in a court to face a medical examination as to insanity, it would not

do. And these psychologists are very aggressive, they fight the doctors; and the doctor has not given any attention to psychology, he is afraid to fight back, and so the average doctor does not pay attention to these mental diseases. The laity have been deceived by the doctors saying: "He will grow out of it." They do not give attention to it. Why should they? There is no money in it. So the medical courses in our leading medical colleges have been very meagre in this particular field. And the result is that we must develop in this country medical men who are first class alienists and also psychologists. These psychologists can measure the intelligence but they can not diagnose difficult and abstruse cases of insanity because they have no medical training whatever, and do not pretend to have, as a rule. Fortunately here in Chicago these laboratories have been presided over by neurologists who are also psycopathologists, and we do not face the difficulties they face in some other cities. I recall the importance of having a well-trained expert:

One time I was proving the cause of death with Dr. Hecktoen. We qualified him and showed that he had had training in Europe and in this country; and he was a great witness too, because he was so modest. If the chairman will pardon me, I will tell you about it. The lawyer asked him:

Q. How many cases of post mortem have you had?

A. I don't know how many.

Q. A good many?

A. A great many.

Q. How many?

A. I couldn't say. A good many.

Q. Five hundred?

A. Yes.

Q. A thousand?

A. Yes.

Q. Two thousand?

A. Yes.

Q. Five thousand?

A. Yes.

Q. Ten thousand?

A. Yes.

Then he quit. I saw the doctor afterwards and I said, "How far were you going?" He said, "I was about through." But you can imagine what the effect would be on a jury, with a man of such training and experience not to say modesty.

We learned in the fights on the cause of death in the Criminal Court here, that everything depended on the training of our expert, on his experience and standing in his profession. We lawyers understand that but the women's societies do not understand it; the reform organizations do not understand it. Anybody who comes forward and asserts himself as intelligent is accepted often when he should not be. We lawyers know what that means. The testimony will not last on cross examination if the witness has not training, so we must insist in this field that the training be there.

In Illinois we must develop farm colonies for the pure feeble-minded, and for those who are dangerous of the dementia praecox type; and we must also modify and change our statutes on these questions so as to cover the ground of scientific advance between 1843, when our right and wrong test was laid down, and 1916, and I think that can be done if this organization will undertake it. (Applause.)

The meeting is adjourned.

FRIDAY, JUNE 2, 1916.

The Association was called to order at ten o'clock, the president in the chair.

THE PRESIDENT: The Association will be in order. We will continue this morning the discussion upon Changes and Amendments desired to the Substantive Law of Illinois. You will remember that the time limit is ten minutes. I will call on Mr. Jacob W. Rausch, of Morris.

VOCATIONAL EDUCATION.

Vocational education is one of the most important subjects that can occupy the attention of the people of this State at this

time. Certainly this Association can render this State and future generations no greater service than to use all its influence in bringing about the enactment of a law, which, in addition to the education now provided, shall establish as a part of the educational system of this State a thorough and efficient system of vocational education.

Vocational or industrial education usually includes courses in domestic science and the household art; courses in farming, rearing domestic animals and plants and a study of the chemical qualities of soils; business and commercial courses; manual training and courses leading to building trades and the various lines of manufactures; courses leading to scientific professions, especially biology, physics and chemistry and studies dealing with life and the conditions of life; courses leading to the speaking and writing professions, and finally gymnastic courses that will produce healthy minds in healthy and well controlled bodies.

In vocational education, Illinois is far behind many of the other more progressive states. Massachusetts has had industrial education in connection with her common school system since 1872. In New York, Pennsylvania, Ohio, Indiana, Wisconsin, and other states including Alabama, California, and Wyoming, industrial schools providing for vocational training have been and are being established. In Northern Europe, notably in Germany, Austria-Hungary, and other countries industrial schools have been in operation for more than a century and the high industrial efficiency of these countries may be traced in large part to the work done by these industrial schools.

The need of this kind of education is keenly felt in Illinois. Many secondary schools have introduced courses in some branches of industrial training in advance of a law providing for it. Commercial and educational bodies have been studying the subject for a number of years with a view of securing appropriate legislation. Both the Commercial Club of Chicago and the State Teachers' Association have made a study of the subject. The trouble with these two bodies has been that they have not been able to agree upon a system. The Commercial Club sent Mr. Cooley to Europe to study European industrial schools, with the result that Mr.

Cooley and the Commercial Club advocate a vocational school system entirely independent of the present public school system; while the teachers of the State advocate a vocational school system as a part of and in connection with the present public school system. Each of these organizations have drawn up bills to correspond with their ideas, and these bills have been before the General Assembly during the last two sessions. The General Assembly refused to act on either bill, as I understand it, chiefly because the friends of vocational education have failed to agree upon a system. The friends of the so-called teachers' system contend that if the plan outlined in the Cooley Bill is adopted only Chicago and a few of the large industrial and commercial centers of the State will reap any benefit from this system and that it will cripple the public school system of education; while the friends of the Cooley scheme argue that if the teachers' plan is adopted it will be ineffective, and it will not provide genuine vocational education; that this kind of education can be provided only in special schools established for the purpose which shall be entirely separate and distinct from the public schools.

I do not intend to discuss the relative merits of the plans advocated in these two bills. The friends of the two plans differ in detail and method, and not in the final object which both seek to accomplish. They should be brought together and unite on one plan.

Permit me to suggest, however, the advisability and the importance of the Committees on Law Reform and uniform State Laws of this body studying this question with a view of uniting these opposing forces and bringing about the speedy adoption of a plan of vocational training that shall promote not only the welfare of the people of this State but of the entire country. A true system of vocational education must include the elementary principles of the military training of all the male population that is physically fit to undergo such training. This training should be given by competent army officers and should be uniform in all the states. The states may differ on other branches of this training, but the military training must be uniform.

Just now we hear much about "Preparedness." Prepared-

ness for what? Manifestly there must be industrial preparedness, commercial preparedness, economic and financial preparedness, and military preparedness. There must be preparedness of the men and women who are to take their places in the ranks of life in the next few years. When and where should this preparedness begin? It must begin in the young and plastic period of life in the public schools.

In the state of Wyoming military training has been given in connection with the public schools for a number of years and the results have been very satisfactory. In California during the last session of the Legislature a measure providing for vocational education including "cadet training" was passed and is now the law in that state. Numerous agencies of the United States government and especially the Departments of Education and of Agriculture are intensely interested in this subject, and their bulletins are of great value. Interesting and important as I deem this subject, I will not pursue it further than to say: Here is a subject worthy of our most serious attention; here is an opportunity, in my judgment, to render a real service to the State and Nation by using our influence to obtain for this State a thorough and efficient system of vocational education with universal military service added thereto, and to recommend its adoption by our sister states. And, I move you, Mr. Chairman, that the subject of vocational education be referred to the Committees on Law Reform and Uniform State Law with instructions to study the subject with a view of uniting all the educational forces in this State upon a system of vocational education that shall include the elements of universal military training and to use their influence to secure its adoption in this State by the next General Assembly.

In conclusion I want to make just this one remark: In the states where they have vocational training and have devoted one-fourth of the time to these subjects, they have found that for the other three-fourths of the time the children learn more in the academic studies than they do in all the time devoted to the subject. And I believe this is one of the great forward steps that this country ought to take and that it should be taken now.

I thank you. (Applause.)

THE PRESIDENT: The reference should be to the Board of Governors.

MR. RAUSCH: I will modify it that way.

THE PRESIDENT: Those in favor of the motion as modified signify it by saying aye. Opposed, no. It is carried.

THE PRESIDENT: Mr. Franklin L. Velde, of Pekin.

MR. FRANKLIN L. VELDE: Mr. President and Members of the Association: The subject is Changes and Amendments desired to the Substantive Law of Illinois, which, as I understand it, includes the common law so far as applicable, up to 1608, the statutes of this State so far as they relate to rights and not to remedies and the opinions of our courts upon the same subjects.

Mr. McRoberts has well called attention to the fact that the dividing line between rights and remedies is often a rather dim one, so we practically have the whole subject of the law of this State before us, and the time within which to discuss it is ten minutes. It is apparent there is much paucity of time, on this superfluity of subjects. Under these circumstances it would have greatly pleased me, had I been assigned some subject, either by my local bar association, as was the case with Mr. Worthington, or by the officers of this Association, as was the case with one of the other speakers; particularly as the situation is confusing to me by reason of the fact that there were eleven or twelve other speakers before me on the program and I had no intimation of the subjects they would choose. Under the circumstances I shall confine myself to a suggestion or two in reference to some phases of our law under the general subjects that were touched upon by Mr. Worthington yesterday when he advocated the repeal of the rule in Shelly's case. That raised the thought in my mind whether there ought not to be some general revision of the laws of this State both relating to right and remedy so far as those laws relate to real estate.

As we all know, the laws relating to real estate were based upon feudal conditions. They were laid down at a time when there practically was no personal property and when real estate practically represented all the wealth and all the property.

Now had you ever thought of the ludicrousness at this date and in this age of a seal being required in order to make a good

and effective deed for the conveyance of real estate? There was a day when that law became the law when there was some sense, when there was some reason for that law. As I understand it, it was based to some extent upon the ignorance of the people and the lack of education. A great many of the people were unable to sign their names, but they did have their individual seal which stood for what now is the signature of the individual. The condition has entirely changed, and yet the seal today is required in this State on a deed in order to make it a good deed.

Now I would not have so much objection to the seal if it were required that there actually be affixed a wafer or something which required an affirmative act on the part of the grantor in the deed. But all our laws require is that there shall be a scroll upon the paper. And, as you all know, in nine cases out of ten, or probably in ninety-nine cases out of a hundred that scroll is printed upon the paper whereon the deed is written.

Our courts have gone as far as they can in showing the ludicrousness of that requirement of the law. They have gone so far as to hold that where there are two or four or a hundred signers to a deed, and one of them puts a seal on, it is a good deed, for the reason that the other ninety-nine are presumed to have adopted the seal of the man who did put a seal on the document.

Now it is not a subject that has escaped the attention of our Legislature. You may have noticed that in 1909 the Legislature passed an act validating conveyances made in other states where this archaism has been abolished, stating that if the deed is a good deed in the state where it was executed that it shall be a good deed in this State upon proof of the fact that it is a proper deed under the laws of the state where executed.

It seems to me it is high time that it be abolished in this State, and it is a matter of some practical importance. I presume I have had no more experience along those lines than the other members of the bar. Within the last two years I have come across at least twenty-five deeds upon record, to which no seal was attached. As a lawyer I am unable to say to any man that has that kind of a chain of title that he has a good, merchantable record title to his property. In a few cases the original deed, upon being examined,

had upon it the seal and the mistake was made, in the recorder's office.

Now the same way with reference to remedies. Under the law, in case you bring an action against a man involving a vacant lot worth \$100, he is entitled to two trials. If you sue that man for \$100,000 worth of personal property, he is entitled to one trial.

The same way with reference to the conveyance of real estate. I believe that the conveyance of the homestead should be guarded about with proper restrictions; there should be some solemnity about the conveyance of the homestead. But why should a man be able to draw a check for one thousand, ten thousand or one hundred thousand dollars, according to the state of his bank account, or why should his wife be able to draw that kind of a check, when, if they go to convey that same vacant lot worth \$100 the signature of both is required. Had you ever thought of it? It is simply an archaism or relic of feudal times and conditions that do not prevail at this time. It seems to me if we get to changing the law there should be changes in the law relating to real estate. It should be made to conform to present conditions. (Applause.)

THE PRESIDENT: The discussion will be continued by Mr. C. B. Chapman, of Ottawa.

MR. C. B. CHAPMAN: Mr. Chairman and Gentlemen: I understand that all that is asked of us at this time is merely to suggest those things which have come to us, in which we think there should be an amendment to our present law.

I am not one of those who believe that all of the ills that we suffer, and that we imagine we suffer, can be cured by legislation. When this proposition is presented I am reminded of the city council in the little city of Spring Valley, down near where I live. They had been troubled with the ice taking their bridges out, and after they had gone out two or three times they erected a new one. Now that city council was probably about on a par with what the newspapers say the city council of Chicago is. And so they directed the city attorney to draw an ordinance to protect the bridge, and he did. And he presented the ordinance to the city council. He was absent when it was read, but it commenced something like this: "Be it ordained by the Mayor and City Council of the City

of Spring Valley, that when the ice forms in the river in the winter that it shall not be formed within ten feet of the piers of the bridge (laughter) and it shall be no thicker than a bob-tailed mule can safely pass over when in the exercise of ordinary care and caution." (Laughter.)

"Second. That when the spring time comes, gentle Annie, and the ice proceeds to melt, it shall be like the Arab, quietly fold its tent and steal away."

And about that time one of the Aldermen woke up and got upon his feet and said: "Mr. Mayor, what in (blank) is dot?"

Well, now, if we present all of these amendments that we are suggesting to the Legislature, and the Legislature in its usual manner considers them and passes the several acts and several amendments that we are presenting, I am afraid we will be on our feet saying: "What in (blank) is dot?" So let us not endeavor to give too much to the Legislature to do.

With reference to our administration act, just let me suggest one other matter. For instance, the statute provides that if a relative of the deceased desires to be appointed administrator of the estate, he has sixty days in which to do it. Now I had a case like this, for instance. The relatives decided they would settle the estate without going into court, without going to the expense, they were poor people. And the sixty days had passed when parties in a foreign state, where the party had lived twenty years before, made a claim against the estate, necessitating the appointment of an administrator. What happened? One of the relatives was appointed. And the Public Administrator walked into court with his attorney and said: "I am entitled to administer the estate," and the court was obliged to appoint him. And he got his fees and his attorney got his fees. The administration act should be amended.

It has been suggested that the statute relating to judgments and executions should be amended. Yes, it should be amended.

There is one other matter that I wanted to call attention to, about which nothing has been said, and that is, the compensation act. A great many will differ with me as to whether that should be amended or repealed. I think a very large per cent of the

lawyers having to deal with it are of the opinion that it should be repealed. However, the object sought to be accomplished by the act was a beautiful one, but it does not seem to me fair or that it meets with the result, or accomplishes the result that it was sought to obtain. And by suggesting an actual fact it seems to me the absurdity of some of the provisions will be shown, and the necessity for an amendment.

Here is a matter that I had to do with a short time ago. A man being in the employ of another during our flood times, in going to work with another man, passed over a pile of material that was in the way and that was covered with ice. He was told not to go upon it, told it was dangerous, but he went upon it in a foolhardy manner, and he was drowned. What was the result? The result was that he was in the employment of a party and that he was doing something in the line of his duty, he was going to his place of work, and the company had to pay the damages suffered by reason of his death. Now that was not fair to the company, was it? They got two thousand dollars.

Let me give you another instance. Here is another man who is injured, who is paralyzed; he is a young man; he will never do another stroke of work in the world. He has to have an attendant continually; he is not killed, and what does he get? Two thousand dollars! The one man is injured by reason of the fault of his employer, he obtains no adequate compensation. The other man is injured by reason of his foolhardiness and he gets the same.

One other thing. Benefits are paid by the week. The men who are injured, to a large extent, are men who are unable to employ lawyers to represent them, and a lawyer can not be employed for what the man will obtain from his weekly benefit. Now that is unjust to the workman.

I am not speaking necessarily in behalf of the workman, because in nearly all the cases I have, I am retained by the defendant. But it is unjust to the laboring man. And it seems to me the compensation act should be amended in some of these respects. (Applause.)

THE PRESIDENT: The discussion will be continued by Mr. J. L. O'Donnell, of Joliet.

MR. J. L. O'DONNELL: After hearing Mr. Chapman's suggestions it occurred to me that my thoughts would be immaterial. I rather agree with him that all the subjects that need attention will not receive the consideration of the Legislature, and I want to give you notice now that I have seen so many defects in the law in forty-four years practice that it will take me ten minutes to enumerate them, easily.

A lawyer in general practice for a considerable time is apt to notice certain defects in our law which can be cured by legislation. He is also apt to notice the operation of certain rules which ought to be changed by legislation. I have no desire to suggest any change in the rules of law of personal or property rights which are of doubtful expediency or necessity, but I want to suggest a few changes which it appears to me public policy and equitable considerations plainly demand.

First: I think when a person in this State is convicted of a capital offense and sentenced to death, and he is without means to procure a record in order to have his case reviewed by the Supreme Court, the State ought to furnish him the record. I hardly need to elaborate the reasons for this when speaking to practicing lawyers. You can all recall many cases where a person convicted of murder and sentenced has had the judgment reversed by the Supreme Court and sometimes reversed on the merits. After conviction of a man you hear inquiries as to whether he will probably hang in pursuance of the sentence and it is horrible to hear the reply so commonly given, "Yes, I think he will. He can not raise the money to take up that record."

Now in all capital cases a stenographer has taken down the evidence and it is a light burden for the State to assume the expense of a transcript, and it is competent for the Legislature to require the clerk to furnish a copy of the record free.

Second: I believe that when a man is prosecuted for murder and certain other felonies and is acquitted by a jury after a full and fair trial, there are many instances in which he ought to be reimbursed for his costs and lawyers' fees. I do not mean by this that every defendant who is successful in a criminal case should be reimbursed, but you can readily call to mind many cases where

an innocent man has been financially ruined by a criminal prosecution. This prosecution was carried on by the State in which he lives; to which he owes allegiance, and to which he has probably paid his taxes for the greater part of his life time, and the State in its strength and its might attacks him, and after giving him battle perhaps once, twice or thrice, is defeated and then retires from the conflict at the command of the Supreme Court and leaves the victim perhaps long past middle life financially ruined. The Legislature could safe-guard this rule so that it would be limited in its operation to a certain class of cases.

I have in mind now a case of a farmer who was tried for murder recently in one of the most cultured and civilized counties in Northern Illinois. He was tried under a hue and cry and thoughtless people joined this concerted move to send him to the gallows. He was convicted and sentenced to the penitentiary. The judgment was reversed on error. He was tried again and sentenced to the penitentiary. The judgment was then reversed on the merits and the Supreme Court declared there was no evidence to sustain the verdict. He was about fifty-five years of age and a married man, and had lived his life in that county. At the end of the trial his farm was gone, and I am informed that the farm of his aged father was sold and thrown in to pay for the defense, and at his time of life he was thrown out of the courthouse declared by the Supreme Court to be an innocent man and stripped of his property was given the privilege of commencing life over again. This rule would not be without precedent. I noticed that in England recently a man who was acquitted after a severe prosecution by the crown was given \$25,000 by the government.

Third: I believe that in actions of trespass or case for damages to real estate, where the injury is of a permanent nature so that the damages are to be assessed on the same basis as if condemnation had been had, and a considerable time elapses between the injury and the date of the trial, interest ought to be given on the judgment.

A familiar illustration of this is where a public corporation damages land without right or title, and a suit is brought for the damages, and the law prescribes the measure of damages as the

difference in the price of the land before it was taken or damaged and immediately after. It is well known that interest can not be given on the damages in actions of this nature. Under the present rule we have concrete illustrations of the injustice of this rule in cases brought against the Sanitary District of Chicago for injury to the bottom lands on the Illinois River. The waters of the district were turned into the channel January 17, 1900. Some of the cases were tried ten years after that date, and the court held that the price of the land must be estimated as of that date, and, of course, no interest was allowed on the judgment. In some cases the land was entirely covered with water; damages were assessed as of January 17, 1900, disregarding the advance in land values after that date. In one case judgment was entered fourteen years after that time and during that fourteen years the land owner lost the use of his land and then received no interest on his money. The taking of the land by the Sanitary District was not unlawful because the Legislature authorized the district to turn its waters into that channel and hence, under the well known rule the injury was regarded as permanent, or in other words, it was presumed that the district would not cease in future to flow the land, and all damage present and future had to be assessed in one judgment as of one date.

The Supreme Court went further and declared it a condemnation suit reversed. But still the land owner got no interest on his damages for the period of fourteen years. In some of the cases which are still pending the plaintiffs if they recover will get no interest on their money. You know how scrupulous the courts have been in the enforcement of the constitutional provision regarding private property taken for public use, to see to it in actions under the eminent domain law that interest is recovered on the award, or that payments shall precede the taking, but nothing except legislative action will guard the rights of private property in actions similar to this I have mentioned. What has happened in the Sanitary District cases may happen in other cases throughout the State and the attention of the Legislature should be invited to the matter at once.

THE PRESIDENT: Mr. Charles W. Hadley, States Attorney, of Wheaton.

MR. CHARLES W. HADLEY: Gentlemen, it is with considerable fear and trembling that I appear before you this morning. Some way or another I got it into my mind this was a rather informal function, but I see, in the few minutes that I have been here that the gentlemen who have preceded me on the program have seen fit to reduce their remarks to writing, and consequently, if the reporter will kindly raise her pen, perhaps her record will be in better condition when I finish than if she keeps on.

As I understood it, I, along with a number of other States Attorneys were to discuss proposed amendments or changes in the laws applicable primarily to the prosecution of offenders. You will find it true with all prosecutors, I believe, that there are plenty of things they think ought to be changed, but I believe there is one thing that every trial judge upon the bench, every prosecutor, every person that has anything to do with the enforcement of the law will realize. That is, the disregard that the people generally have for our courts, our State courts and our State law. It makes it difficult to prosecute because of this disregard. And when we turn to the Federal courts we find at once there is a marked distinction between the respect that the people have for the Federal courts and the Federal law, as against what they have for the State courts and for the State law. And in my judgment there is one thing that has produced this more than any one other thing, perhaps more than all other things, and that is the fact that we have generally deprived our trial courts of practically all power in criminal cases. He sits not as even a good umpire; as has been said, he is present but not taking part.

At the common law, as you know, the trial judge had some power in assisting in selecting the jury; he also had power to review the evidence for the jury, to explain the issues to the jury and assist the jury in arriving at a verdict. Of course, his judgment on the evidence was not to be binding upon the jury, they were the sole judges of the fact, but they had the benefit of his advice. That was the condition at common law.

The Legislature, in 1827, however, saw fit to amend the law by

providing that the trial judge could only instruct in reference to the law, but still the courts went on under the theory of applying the evidence to the law, and gave the jury the benefit of their judgment. This continued until 1847, when they passed an act similar to the one we have now, that judges shall give no instructions except such as are reduced to writing and shall mark them "given" or "refused."

We have gradually curtailed the powers of the trial judge; the jury have been called in. The judge sits by, he sees good men excused, he is powerless; there is nothing he can do; able men are excused from the jury. We say it is a travesty on justice when it takes four or five weeks to get a jury, when six or seven or eight hundred men are called in a panel in court, to get twelve men that will give a man a fair and impartial trial. And something is wrong with our system of jurisprudence, of getting a jury, or something is wrong with the makeup of the jury. And my judgment is there is no necessity for that length of time or that extended examination of jurors in the trial court.

THE PRESIDENT: Pardon me, just a moment. Gentlemen, the Minister of Justice of Canada. (Applause.)

We will suspend, Mr. Hadley, for a few moments, if you please.

Gentlemen, we consider it a high honor to have with us today a member of the Cabinet of a friendly country, a great sister democracy which, with our own United States, controls this great Continent, and it is peculiarly appropriate that if we are to have a representative from a sister nation, it should be the man who represents our great profession, which is wider than any national lines and as broad as the pursuit of justice itself. I take pleasure in presenting to you and presenting you to the Minister of Justice of Canada, The Honorable Charles J. Doherty. (Applause.)

HON. CHARLES J. DOHERTY: Mr. Chairman, and Gentlemen: Let me just say one word of appreciation of the introduction which you have made, Mr. Chairman, and of the welcome that I received at the hands of this gathering. You have said that it was an honor to have with you a member of the government of Canada. Let me say in reply that that government appreciated as a very high honor the invitation which your Association extended, in the first instance

to the Prime Minister, the Right Honorable Sir Robert Borden. It was a source of very great regret to that gentleman that his many occupations made it impossible for him to accept that invitation for himself and to be with you today. It was certainly for him a great loss. I very much fear that before I am done you will have a realizing sense of what a great loss it is to you. In any event, I am here, not to fill, but to take his place, and on his behalf, and on behalf of the Government of Canada, and I think in that respect, at all events, I would voice the sentiment of the people of Canada, to express to you the high appreciation of the compliment you have paid to that government and through that government to our people.

It is always a source of gratification to us all in Canada to have brought home to us by testimony such as this invitation, the friendly feeling of our brothers of this great republic. And it is always, if possible, a greater pleasure for us to endeavor to reciprocate that friendly feeling in such manner as may convey to you all the conviction of its sincerity.

Mr. Chairman, I thank you once again: I thank you all, gentlemen, for your kind reception. (Applause.)

The address will be found in Part II.

THE PRESIDENT: Judge Holdom?

JUDGE JESSE HOLDOM: I move you that a vote of thanks of this Association be tendered to our distinguished guest, not only for his gracious presence, but for the very eloquent, interesting and enlightening address to which we have listened.

The motion was seconded.

THE PRESIDENT: Gentlemen, you have heard the motion. As many as favor it will signify it by rising. I do not need to say that that expresses the opinion of my brethren and myself. We all join cordially in the expression of the motion.

MR. JAMES H. MATHENY: I move that Mr. Walter George Smith, and the gentleman who has just addressed us be elected honorary members of this Association.

The motion was seconded.

THE PRESIDENT: It has been moved by Mr. Matheny that the Minister of Justice, and Mr. Walter George Smith, our guest from

Philadelphia, be elected honorary members of this Association. As many as favor that motion signify it by saying aye. Opposed? It is carried.

I am glad to welcome you to the fraternity of the Illinois State Bar Association.

HON CHARLES J. DOHERTY: Mr. Chairman, and Gentlemen: I thank you very heartily, in the first place for your thanks; the more I realize how entirely they are undeserved, the higher is my appreciation of the kindness that extended it.

I need not say that I appreciate most highly the honor of becoming even an honorary, associate member of your Association, and that for that very distinguished honor which I shall carry home with me as a very distinguished gain that has come to me from my trip to the United States, I most heartily thank you. (Applause.)

THE PRESIDENT: Gentlemen, Mr. Hadley was in the midst of a discussion in reference to the substantive law; you may proceed, Mr. Hadley.

MR. HADLEY: Mr. Chairman: We were discussing, if my memory serves me correctly, the question of the effect upon the enforcement of the law created by the curtailing and cutting down of the powers of the trial court. We were speaking at that time in reference to the empaneling of a jury; how little, as a matter of fact, a court has to do with the empaneling of the jury.

After the jury is empaneled then we have the evidence and finally the instructions. The instructions are handed up to the court and the court gives them to the jury. The court is not permitted, under our system, to illustrate those instructions. Those instructions, usually a portion of them, at least, refer to the various pleadings in the case; they are couched in language that the courts have said we must use. The result is jurors who are not accustomed to court proceedings do not always understand the exact meaning. After the arguments of counsel in which an appeal to their prejudices and passions has been made, after they have received these instructions, after they have been told all the way throughout the case about the reasonable doubt, and presumption of innocence, then they have hurled at them these instructions

which they do not thoroughly understand, and if the case is at all close is there any wonder they go to the jury room thoroughly confused? Everything, about, has been done that could confuse them.

If the trial court could be permitted to go over the evidence with them, instruct them as to the issues in his own language, and then give them his judgment on the weight of the evidence, this judgment merely being to assist them in reaching a verdict, there can be no question but what many more verdicts of not guilty would not be returned and many more verdicts of guilty would be returned. Not that we should return a verdict of guilty except where a person is guilty, of course. But it is a well known fact that jurors do not understand the evidence, they have not the ability because they are not schooled in that, and the trial judge upon the bench is much more able to analyze it for them than they are themselves. And I think that we could take a great step in advance to assist in the enforcement of the law and bring back respect for the law if we would give back to the trial courts the rights they had at common law. Not necessarily do away with written instructions altogether, but leave it where the trial court can instruct the jury and weigh the evidence orally if he sees fit.

I thank you. (Applause.)

THE PRESIDENT: The discussion will be continued by State's Attorney James W. Kern, of Watseka.

MR. JAMES W. KERN: Mr. Chairman and Gentlemen of the Bar: I apprehend that most of us, like the gentleman who preceded me, do not believe that legislation is a panacea for all our ills. However, I do believe that the statutory law of Illinois could be greatly improved by changes and amendments wherever needed and by the repeal of certain statutes altogether. And in the few minutes which I shall occupy, I desire to call your attention to one amendment, one change in the statutory law which I believe ought to be made and which would meet the approval of the conscientious thought of the thinking men of this State. The reasons for this change I will leave for you to infer from the story which I desire to relate, and which has come under my personal observation within a fortnight.

In the little college town of Onarga, in the county where I

live, resides a widow, a mother and only daughter, respectable, but poor. The mother is afflicted with an incurable malady which, in a few months, must take her hence; the daughter, scarcely fifteen years of age, bright, vivacious, good looking and of a very confiding disposition. Within a few blocks, in the same village resides another family having a little more of this world's goods, yet living about on the same social plane. The young man of this family, aged twenty years, had been courting the daughter, and it now develops that by a persistent and protracted effort he has seduced her. When the girl learned that she was about to become a mother she made a confidant of her mother. The young man was called in, admitted his guilt and said that he was ready to make this girl his wife. Upon a subsequent occasion, however, he said he had talked the matter over with his people and that they had refused to give their consent to the marriage, and inasmuch as he was under twenty-one years of age, she could do nothing. This matter was brought to the proper authorities in our county, a complaint was issued, charging this young man with the statutory rape; he was brought to the county seat, given a preliminary hearing, there again admitted his guilt, and was bound over by the justice to await the action of the grand jury. In default of a bond a mittimus was issued and he was taken into custody by the sheriff. About this time the father of the young man, who had not attended the preliminary hearing, got into communication with the sheriff, and said that it would be an everlasting disgrace to lock this boy up, even over night, and prevailed upon the sheriff to treat him as a guest in his residence until he, the father, and his lawyer, should arrive. Soon after their arrival I was called into consultation, and the father said: "This is all a mistake, I know this girl, she is a good girl, these young people ought to get married." The parents of both parties are willing that they should marry, and the marriage should be consummated at once. I said: "In this State a marriage license will not issue to a girl to get married unless she is sixteen years of age." I further explained to the mother and her daughter that by his confession this young man was not only guilty of rape, but guilty of seduction and bastardy, and that under the present state of our law a subsequent marriage would be an

absolute bar to his prosecution under either charge. The girl said she had confidence in him. The mother said it had been one of the harrowing thoughts of her life that this girl might soon be left an orphan in the world and with an infant in her arms. And the result of the conference was that the sheriff took these two young people, went to Wisconsin, the marriage license was issued and they were married; afterward they went to a hotel and stayed over night and the next day went home, he taking his wife to her mother's home. He left her at the door. I had explained to the mother that if he deserted his wife after marriage the only remedy we had in Illinois is what is known as the wife-abandonment act, which I considered very unsatisfactory; it was only a misdemeanor. Taking his wife home he left her at her mother's door, said he would return in a few minutes, but up to this time he has not returned, and rumor has it, from his people, he will not return.

Therefore, I want to call your attention, members of the bar of Illinois, to the fact, as I believe it to be a fact, that this wife abandonment act is illogical and it is unsatisfactory in its practice.

A few days ago I met a newspaper friend of mine at the court house looking over the divorce record. I said to him: "Why do you newspaper men print these details of domestic discord?" He said: "Because the people want to read it, and the reason they want to read it is because marriage is the most important thing in life." It had not occurred to me just that way before, and I said to him: "And that is because the home is the nursery of children whose rearing, training and development is the only thing worth while."

A MEMBER (Mr. Graham of Springfield): What do you suggest as a remedy?

MR. KERN: I suggest an amendment to that law.

Now we hear a good deal about the divorce evil, but in my judgment it is not comparable with the evil of hasty and ill-timed marriages, which seems to be permitted under the sanction of law in this State. If I had my way, from the observation I have had in the course of my practice, I would so amend this wife-abandonment act that those who contemplate the marriage relation would approach it with that degree of thought which its impor-

tance demands, and having once entered upon that relation I would make it a felony for the husband and the father to desert his wife and children. (Applause.)

If we had such a law on the statute books today this little girl down in my county who is to become a mother before she is sixteen years of age, and I believe that her case is typical of many others in the State of Illinois, would not be deserted and left without a legal protector; or if, in the face of such a statute this man still persisted in his desertion then society would have a remedy, in a measure at least, commensurate with the enormity of the crime which has been committed.

I thank you. (Applause.)

THE PRESIDENT: The discussion will be continued by State's Attorney Wayne H. Dyer, of Kankakee. State's Attorney John H. Lewman, of Danville. Mr. Stone, of Bloomington. Mr. Welch, of Galesburg. Mr. Love, of Danville.

MR. SMITH: Having heard the remarks of Mr. Kern, last upon the floor, and suggesting a remedy for the evil, I would like to ask him what he would do, in case his proposed law should become a law, in case the husband and father whom he says would be a protector, refused to be a protector, and that he was so abusive to the wife and mother that she must leave him?

MR. KERN: Well, she had the remedy of separate maintenance and divorce; if he isn't worth anything perhaps he ought to be sent to the penitentiary.

MR. EDWARD H. DECKER: Some members of the bar may not have seen a recent opinion by the Attorney General of the State, that holds that when the parent has given consent under the conditions mentioned by Brother Kern, although she may be less than sixteen years of age, a legal marriage may be had in this State, and the clerk is authorized to execute the proper license for such marriage. That is under the section of the statute that rebates the rape action if the parties consent in marriage. And he holds that under those circumstances the proper license may issue and a legal marriage be had, even though the girl may be under the age at which marriage is ordinarily made.

THE PRESIDENT: Is there any further discussion? If not,

I will ask Vice President Early, and Vice President Sherman to escort the Minister of Justice out.

Gentlemen, the meeting stands adjourned until two o'clock this afternoon.

AFTERNOON SESSION.

The Association reconvened at two o'clock P. M.

THE PRESIDENT: The Association will be in order.

I have here, gentlemen, the report of the Committee on Audit and Expense, which transmits the report of Barrow, Wade & Guthrie, Certified Public Accountants, in which they say they have examined the vouchers and accounts of the Association and find them in satisfactory condition.

Also a letter from the chairman in which he says the report is most gratifying, and shows a gain of over five hundred dollars in the finances and the Association is in a very healthy condition. What do you want to do with the report?

Hon. N. W. MacChesney, 30 N. La Salle St., Chicago, Ill.

DEAR SIR:

The Committee on the Audit and Expense of the Illinois State Bar Association, heretofore appointed by you, respectfully submits its report.

The Committee has made no attempt to audit the books of the Secretary-Treasurer, but has confined its attention to the auditor's report made by Barrow, Wade, Guthrie & Co., covering the period from May 21, 1914 to May 31, 1915. It is to be noted that the cash receipts for the period amount to \$4806.70 and the cash disbursements for the same period amount to \$4824.59 so that the disbursements were in excess of the receipts for the same period to an amount of \$17.89.

The statement of cash receipts and disbursements for that period are as follows:

Balance—Cash in National Bank of Mattoon (Ill.) 21st May, 1914, as per bank book.....	\$2138.44
Cash Receipts, as per cash book:	
Membership dues and admission.....	\$4210.00
Banquet tickets—1914 annual dinner.....	577.70
Sale of one copy—1913 report.....	1.00
John F. Voigt, Secretary and Treas (refund— see contra)	18.00
	4806.70

\$6945.14

CASH DISBURSEMENTS:

Expense of report—1914.....	\$1221.21
Expense of annual meeting—1914	1108.70
Legislation expense	150.00
Salary of Secretary-Treasurer (from Feb. 1, 1914 to May 31, 1915).....	666.65
Services—Miss M. A. Ruster (office)	160.00
Services—Olga Christianson (stenographic)	120.60
Printing and stationery	530.26
Circular letters, addressing, etc.	195.29
Quarterly bulletins	98.13
Postage	160.00
Telegrams	14.86
Express charges	9.53
Sundry expenses	348.36
Checks and fees returned	23.00
John F. Voigt, Secretary-Treasurer—refund of cash paid in (see contra)	18.00
	<hr/> \$4824.59

1. Your Committee is of the opinion that to enable the Association to broaden its work, it would be most beneficial for the Secretary to employ an assistant secretary who would devote his entire time to the services of the association and its officers and committees and who would be able to take care of his own stenographic work. Such an assistant secretary would be of great assistance to the secretary and the president by carrying out the details of the work which the president and secretary would undertake; and he would be of great assistance to the various committees in sending out notices of meetings, taking the minutes of meetings and carrying on the correspondence on behalf of the committees under the direction of the secretary. He could also render valuable assistance to the association in increasing its membership by personal solicitation and by correspondence with the various secretaries of the different County Bar Associations, all under the direction of the Secretary, and could make the office of secretary a clearing-house of all matters of interest to the general membership. Under the present circumstances any executive would hesitate to ask any officer of the association to give him a substantial amount of time toward the services of the association. To the end of establishing a paid secretaryship your Committee recommends that the salary of the secretary be fixed at a sum not to exceed \$1500.00 per annum, such salary to include the payment of an assistant secretary, office rent, stenographic expense, etc.

2. Your Committee further recommends that permanent headquarters for the association be established to be under the control of

the Board of Governors and of the Secretary, such headquarters to be preferably at Springfield and Danville, and perhaps also at Chicago; or if more than two places be not available then at least at Springfield and Danville, such headquarters to furnish facilities for all members of the association in connection with matters before the Supreme Court of the State of Illinois with which members of the association would be in Springfield, Danville or Chicago.

3. In view of the fact that the association has been incorporated and that the charter provides for separating the office of Secretary-Treasurer into two distinct offices, one that of secretary and the other that of treasurer, your Committee recommends that the treasurer have no other duties to perform other than that of receiving all receipts from the secretary and depositing the same to the credit of the association and to issue vouchers against such funds upon requisition signed by the secretary. The treasurer shall receive no salary.

4. Your committee further recommends that in view of the activities to be entered into by the association, a campaign for new members should be instituted and the budget herewith attached has been based upon an increase of members of two hundred. The present membership is approximately two thousand. To carry out the plans of this Committee there ought to be at least twenty-five hundred members of the association paying their dues regularly.

The budget is as follows:

ESTIMATE OF RECEIPTS.

Estimate amount of dues that will be collected from members during the year.....	\$5,000.00
Estimate amount of additional fees and initiation on 200 new members admitted to the Association during the year.....	\$1,000.00
Total estimated receipts.....	\$6,000.00
Estimated amount of dues not collected on account of death or resignation.....	150.00
	<hr/>
	\$5,850.00

ESTIMATED DISBURSEMENTS.

Expense of report of 1916.....	\$1,300.00
Expense of annual meeting 1916.....	1,000.00
Salary of Secretary, including Assistant Secretary	1,500.00
Printing and stationery for 1916.....	325.00
Balance for printing 1915 report (estimated)....	700.00
Balance of printing bill for printing pamphlets of addresses (estimated) for members.....	250.00

Circular letters and addressing Quarterly bulletins	125.00
Postage	200.00
Appropriation heretofore made for Judicial Section	100.00
Appropriation heretofore made for the special committee on schedule of charges as guide to new members of the bar.....	100.00
Total	<hr/> \$5,850.00

Committee on Audit and Expense.

HUGO SONNENSCHN, EIN,

Chairman.

MR. E. P. WILLIAMS: I move it be adopted and placed on file.

Motion passed.

THE PRESIDENT: We will receive the report of the tellers of the election, Mr. Peterson, Chairman.

MR. PETERSON: Mr. President and Members of the Illinois State Bar Association: Your tellers respectfully report that at the time and place, in accordance with the letter and the spirit of the by-laws, we have conducted your election; and we further report that there were 79 ballots cast; that three ballots were blank; that Albert D. Early received 76 votes for president (applause); Major Edgar B. Tolman received 73 votes for first vice-president (applause); Judge Puterbaugh received 73 votes for vice-president; Frederick A. Brown, 73 votes for vice-president; John F. Voigt received 76 votes for the board of governors, and Roger Sherman received 72 votes; that Logan Hay received 73 votes for the two-year-term and George H. Wilson received 74 votes; C. M. Clay Buntain received 70 votes and Walter M. Provine received 74 votes for the one-year-term; R. Allan Stephens received 74 votes for secretary; Franklin L. Velde received 72 votes for treasurer.

Mr. President, I move this report be approved; that these gentlemen be declared the coming officers for the ensuing term of the Illinois State Bar Association, and that the committee be discharged, and that George Page and two other great big men be instructed to escort the newly elected president, at the proper time, into office.

THE PRESIDENT: Gentlemen, you have heard the motion, that the report be approved and that the persons therein named be

declared the duly elected officers to take office in accordance with the by-laws upon the conclusion of the annual banquet this evening. As many as favor the motion say aye. Opposed? It is carried.

Mr. Early, I am sure they would like to have you stand up, at least. (Applause.)

MR. ALBERT D. EARLY: Mr. President: It is needless for me to express my thanks to you, because I think it is known by all of you that each one, any one, who is elected President of the Illinois State Bar Association is full of thanks. I think it is the highest honor that can be paid to a lawyer of Illinois, to be elected President of the Illinois Bar Association. I realize the election has been spirited, and I am sorry the opposition has had so few votes.

I thank you all, and I shall endeavor to do my duty. (Applause.)

THE PRESIDENT: The programme provides that the next order of business is an address. We are to have the pleasure of a paper from Prof. Charles Cheney Hyde, the Professor of International Law at Northwestern University, who is an authority upon his subject. His topic is "The Law of Blockade and the United States." I presume he will take the liberty of disagreeing with distinguished advocates of views which may differ from his, but I am sure the discussion will prove helpful to all of us. (Applause.)

PROF. CHARLES CHENEY HYDE: Mr. President and Members of the Illinois State Bar Association: "Where ignorance is bliss, 'tis folly to be wise." I have had the misfortune not to hear the paper of this morning touching this very subject, by the distinguished and learned gentleman, the Minister of Justice of Canada; therefore, if you see answers, and obvious ones to the various propositions which were here enunciated please remember that I am in blissful ignorance of the views heretofore expressed. With your indulgence then, I will proceed. (Applause.)

The address will be found in Part II.

THE PRESIDENT: I am sure that when these various addresses and papers shall have been published, upon questions of international law, that they will form a real contribution to the solution of the difficulties involved.

We are now going to have the pleasure of hearing from Mr.

Samuel Rosenbaum, of the Philadelphia bar, who was sent abroad by the University of Pennsylvania as a Fellow, I believe, and who spent some time in London making a special study of the English courts. He has been retained by a group of men in this country the trustees of the American Judicature Society who are interested in trying to work out a similar scheme for the American courts, and I am sure what he has to say will prove an illuminating review to us, of the power which exists in the English courts to make their own rules. The topic of his address is "Rule Making Powers in the English Courts." (Applause.)

The address will be found in Part II.

THE PRESIDENT: The Chair will take the liberty of saying, as an older member of the bar, that he thought he had a keener appreciation of the gentleman's ability to discuss this subject than the early remarks of the gentleman himself would indicate. (Applause.)

MR. MERRITT W. STARR: I make the informal request that the Committee on Law Reform who are to present the request at the next session of the legislature for a rule making power of our courts, to ask for a formal retainer for Mr. Rosenbaum to appear.

MR. GRAHAM: Does brother Starr's motion imply the power in the President to pay the gentleman the retainer?

THE PRESIDENT: I do not know about that.

MR. GRAHAM: The remarks of the gentleman from Philadelphia have certainly been instructive and entertaining. I am a little afraid, however, that at least in one respect our legislature would not be willing to go quite so far as he goes, or at least as the English procedure does.

In speaking on the subject yesterday one of the things I emphasized in favor of the new idea was its elasticity, the ease with which necessary changes could be made. But as presented to us now, I think at least in one respect it is a little too elastic. The changing of the rule after the beginning of the action and before judgment would operate so that I fear there would be a great deal of dissatisfaction with it. And I can say to you now that at least in that regard the Chairman of the Committee on Law Reform would not be willing to follow the English procedure. (Applause.)

THE PRESIDENT: Gentlemen, the programme now contemplates the taking up of a number of very important committee reports, some of which have some very vital matters in them for consideration, among the most important which have ever been brought before us. The chairmen of the committees expect to go rapidly over the main body of their reports, calling attention to the principal points and reading in full only the recommendations. I believe the first report will be found on page 13 of the printed reports. The Committee on Legal History and Biography, Mr. George A. Lawrence, Chairman.

The report is as follows:

REPORT OF COMMITTEE ON LEGAL HISTORY AND BIOGRAPHY.

To the Illinois State Bar Association:

Your Committee on Legal History and Biography would respectfully submit the following report:

The land now called by the name of "Illinois" has had, since the settlement, the unique experience of having been under the control of three, (and perhaps more correctly *four*) distinct governments. It seems but yesterday that its sole occupants were the Red-Man and the Buffalo, and yet since that time it has been claimed by Spain; settled, and in a way established, by France; conquered by England, and again by the Americans under General Clark. It had, during the French occupancy of more than sixty years, a system of government, comprising a complete civil and judicial administration.

By the Treaty of Paris, in 1763, this and other territory was ceded to England and it was administered by English authority in a desultory way, until after its conquest by General Clark in 1778, when the first American Court was established, to be followed by a bill for a more permanent form of civil establishment, introduced and passed by the State of Virginia. The civil establishment thus created was along similar lines that Kentucky had received a few years before in a like organization. Under this legislation the Government was established; Courts were held, and matters were shaping themselves for the cession of this territory to the United States. It was not until 1787 that Congress passed effective laws, regulating the Government in the North West, and not before the spring of 1790 that the Governor appointed under that act reached the lands of Illinois. From that time until statehood was reached, the State rapidly developed; established its legislature and its courts, and records, (more or less complete) are available to disclose the story of the State. These records are, and must of necessity be, of absorbing interest to any lawyer,

and are filled with surprises to anyone having the opportunity at hand for the perusal, study or investigation.

Many of the earlier records in the settlement and development of the territory have been forever lost; in some instances, wantonly destroyed; in other cases, left unprotected, or carelessly overlooked and are missing; while others have been scattered by the hands of vandals, in some instances to appear in historical libraries in different portions of the country and of the world.

The history of the development of any country, in its civil and judicial departments, must necessarily appeal to any legal mind, and yet were the lawyer of today seeking to investigate the methods under which our civil and judicial systems have grown, the laws that governed the early settlers and tenures under which they held their real estate, he would find this matter a subject most difficult to investigate. The records (where records were kept at all) could be found only at the seat of government of the powers then in control, and the Courts of Spain, of France and of England could alone furnish the necessary data.

Illinois was at one time within the Province of Quebec; at another, under the jurisdiction of Virginia, and legislation applicable to Illinois would have been found under legislative proceeding from the Territory of Indiana; while the laws of the Territory of Illinois would also overlap and be effective within the present State of Indiana; and investigation into questions of this sort would require expert services of the historian and the scholar, and being original work, the resources of which would be wholly beyond the reach of the ordinary lawyer, who wished to obtain this information.

We have said that an investigation of the legislation since the first settlement of this territory would be filled with surprises. How many of us realize that prosecutions had been begun and brought to final judgment for sorcery and witch-craft, or that it was possible that within the confines of our State, an execution directed to the sheriff had been formally issued, directing that a defendant should be "Chained to a post at the water-side and there to be burned alive and his ashes scattered;" and yet some of the records that have been preserved bear indisputable evidence of this fact!

How many lawyers of the State have ever heard of the "Maxwell Code," and yet to this date it forms that basis of our Statutes!

It would be interesting to lawyers to compare an Act, passed in 1792, regulating the practice of law, and containing an interesting provision as to attorney's fees, as compared to our present practice and of the "practices" of the Bar today with respect to fees.

How many lawyers of the present day appreciate the fact that the whipping post and the pillory were provided for by our criminal code, and that for altering or defacing a mark or brand, for the first

offense a penalty of one dollar, and "forty lashes on the bare back, well laid on," was provided; and for the second offense "to stand in the pillory for two hours and to be branded in the left hand with a red hot iron, with the letter "T" (meaning thief)."

A most interesting paper upon the oddities in early Illinois law was recently read before the Illinois State Historical Society by Joseph A. Thompson, Esq., of the Chicago Bar, which well illustrates how interesting even the "oddities" in early Illinois laws may be.

In connection with the study of this subject, the Statutes and Procedure of the pioneers are not alone interesting to the lawyer, but the pioneers themselves, (many of whom took a prominent part in affairs,) were lawyers, of whom little is known, but perhaps of whom much may be ascertained.

The first Governor under authority from the State of Virginia, was a lawyer by profession, and lawyers and notaries had been very much in the control of affairs during the French and English regime. In the early development of the State, also, lawyers had a large part; many of whom are unknown to the Bar, and many whose services while known, are too little appreciated.

To any individual lawyer interested to know something of the legal history of our State, it would be a task requiring the expenditure of both time and money to obtain even a partial knowledge of the men and measures that have influenced and directed the growth and development of our State. From time to time, as men have passed away, memorial addresses have been made, only to become a part of the files of some Court or Society, and they are entirely hidden from the general public, or exist in volumes now scarce, very expensive and perhaps in private hands. They may be found in the libraries of Universities, or other States, or in the libraries of historical societies, or law institutes, available only to the few.

The Chicago Bar Association, The Illinois Historical Society, The University of Illinois, and The Chicago Historical Society have done much in the preservation of this history and have published from time to time, addresses by distinguished men upon the questions we are suggesting; but the publications are out of print in many cases and wholly unavailable for the purposes of the general lawyer, who wishes information upon this subject.

Your Committee is satisfied that it would be a matter of great interest to the Bar of the State of Illinois, that this information should be made available to them in some concrete and concentrated form; that there should be published under the authority of the Illinois State Bar Association, working through a Committee especially appointed for that purpose, a book wherein all of the facts bearing upon civil and judicial administration of Illinois, since its settlement, and the men who have been instrumental in its accomplishment, should

be collected and classified. A portion of this work must needs be original investigation, which can only be done by some competent historian, accustomed to such work. A chapter, or chapters, in such work should be devoted to the period of the French supremacy; another, to the territory under English rule. The administration under the Ordinance of 1787, and before the territorial government was established, should also be covered, and also that under the territorial government until statehood was reached.

A great deal of interesting legal biography, covering the period succeeding statehood may be found in the records of the different historical societies, and bar associations of the state, which will need no special editing, but will demand careful consideration in the selection of material.

Your Committee would, therefore, suggest the appointment of a special committee, of not to exceed three members of the Association, to take charge of the preparation of such a legal history of the land now called "The State of Illinois" and to arrange with some publishing company for the publication of the work when completed, with authority to employ any expert advice or assistance that may be necessary to complete its work, with the distinct provision, however, that no liability shall be created against the Association, in consequence of such publication or employment of expert assistance; but that the same shall be paid for out of the proceeds of the book when published. Your Committee believe that once understood by the Bar of this state, the matter will prove of such absorbing interest that the sales will be very large and that all expenses connected with the preparation and publication of the suggested volume can be readily met by the sales thereof.

Respectfully submitted,
GEORGE A. LAWRENCE,
Chairman.

THE PRESIDENT: Gentlemen, it seems to me this is the most interesting report of that committee that we have had in ten years, and it makes some very interesting and valuable suggestions, and a specific recommendation which you have heard. As many as favor the adoption of the report and the appointment of a special committee will say aye. Opposed? It is carried.

The next item is the report of Select Committee to Present Invitation of the Illinois Bar to the American Bar Association to hold its 1916 Annual Meeting in Chicago and of Committee on Local Arrangements for American Bar Association 1916 Convention.

REPORT FOR COMMITTEE ON INVITATION TO THE AMERICAN BAR ASSOCIATION AND OF ARRANGEMENTS FOR THE AMERICAN BAR ASSOCIATION MEETING AT THE CONGRESS HOTEL, CHICAGO, AUGUST 30 AND 31 AND SEPTEMBER 1, 1916.

To the President and Members of the Illinois State Bar Association:

On October 23, 1915, President Nathan William MacChesney appointed the following members as a Select Committee to present the invitation of the Illinois Bar Association to the American Bar Association to hold its 1916 Annual Meeting at Chicago:

George T. Page.....	Peoria
S. S. Gregory.....	Chicago
Edward Rector.....	Chicago
Edward C. Kramer.....	E. St. Louis
William J. Calhoun.....	Chicago
William F. Bundy.....	Centralia
John J. Herrick.....	Chicago
E. P. Williams.....	Galesburg
Horace K. Tenney.....	Chicago
Orrin N. Carter.....	Springfield
Charles S. Cutting.....	Chicago
Jacob M. Dickinson.....	Chicago
Silas H. Strawn.....	Chicago
John T. Richards.....	Chicago
Wm. C. Niblack.....	Chicago
John S. Miller.....	Chicago
Joseph H. DeFrees.....	Chicago
Frederick A. Brown.....	Chicago
John M. Zane.....	Chicago
Edgar A. Bancroft, Chairman.....	Chicago

On November 5 this Committee met and selected a Sub-Committee, consisting of Nathan William MacChesney, President of the Illinois Bar Association, Charles S. Cutting, President of the Chicago Bar Association, George T. Page, of Peoria, Chairman of the Council of the American Bar Association, and the undersigned to present the formal invitation. This Sub-Committee presented the invitation to the Executive Committee of the American Bar Association at its meeting in New York on January 8, 1916. Its invitation was promptly accepted, and the date of the meeting was fixed for August 30 to September 1 inclusive.

COMMITTEE ON ARRANGEMENTS.

Subsequently the Presidents of the Illinois State and Chicago Bar Associations appointed jointly the following as an Executive Committee to make arrangements for the American Bar Association meeting at Chicago.

George T. Page.

Wm. C. Niblack.

Nathan William MacChesney.

Charles S. Cutting.

A. D. Early.

Edgar A. Bancroft, Chairman.

They also appointed the following as Chairmen of Sub-Committees:

Finance—John S. Miller.

Welcoming Addresses—Edgar B. Tolman.

Entertainment—Silas H. Strawn.

Hotel Reservations—Frederick A. Brown.

Halls and other Meeting Places—Mitchell D. Follansbee.

The arrangements for the Annual Meeting were promptly taken up with the Secretary and the Treasurer, of the American Bar Association, and were substantially completed early in March.

The details are contained in the special announcement in the "American Bar Association Journal" for April, and need only be summarized here:

Headquarters will be at the Congress Hotel, and all the meetings will be held there.

On Wednesday morning, August 30, Elihu Root will deliver the President's address. In the evening, former Secretary of War Lindley M. Garrison will deliver an address. Following it the Illinois State Bar Association and the Chicago Bar Association will give a Reception to the President, the members and guests of the American Bar Association and their ladies, at the Art Institute.

On Thursday, August 31, the visiting members, guests and their ladies will be taken through the Chicago Park System to the South Shore Country Club, where Afternoon Tea will be served. In the evening Senator William E. Borah, of Idaho, will deliver an address on "Lawyers and The Public."

On Friday, September 1, President Goodnow, of John Hopkins University will deliver an address on "Administrative Discretion and Private Rights;" and, in the evening, the Annual Dinner will be given at the Congress Hotel, President Elihu Root presiding..

We have also arranged for the meetings of Committees and of Bodies Affiliated with the American Bar Association.

Respectfully submitted,

On Behalf of the Select Committee and
the Committee on Arrangements:

EDGAR A. BANCROFT,

Chairman.

Mr. Bancroft, the chairman, has asked me to state to you that the invitation presented by our committee was accepted, and that the American Bar Association will be our guests here in August, and that full arrangements have been made. You will find the details in the printed reports. It is the first time in twenty-five years that the American Bar Association has been here and we hope every lawyer in Illinois will take pains to be present and do his share to play the host on that occasion.

I will now ask Mr. Thomas J. Norton, chairman of the 1915 delegates, to report.

REPORT OF THE MEETING
OF THE
AMERICAN BAR ASSOCIATION
AT

SALT LAKE CITY, AUGUST, 17, 18 and 19, 1915.

To Nathan William MacChesney, President, Illinois State Bar Association, 30 North La Salle Street, Chicago.

As the delegates appointed by you to represent the Illinois State Bar Association at the meeting of the American Bar Association at Salt Lake City on August 17, 18, and 19 last, we have to report one of the most interesting and helpful meetings of recent years.

Illinois, whose lawyers tolerate the most archaic system of pleading and practice probably in the world, was naturally poorly represented as to numbers. An attempt had been made to send a special train from Chicago, but not more than two sleeping cars could be filled. And some of the occupants of those were attorneys from eastern and nearby states. Of course many Illinois lawyers went earlier so as to visit the Panama-Pacific Exposition before the meetings of the Bar Association. But a careful count of all in attendance does not support a feeling of pride.

However, the lawyers of other states have been active. The membership of the Association has reached 10,000, having more than doubled during the last three years. More than eighty-five per cent of all federal judges are members and over fifty-six per cent of state appellate court judges belong to the Association. It is still growing.

The State Bar Association of Utah and the Bar Association of Salt Lake City, as well as committees of citizens, did everything they could to make enjoyable the visit of the lawyers and their families to a city of remarkable attractiveness and with a history second to that of no other place in the romance of pioneering and privation. Among the treats most appreciated was a daily organ recital at noon in the great Tabernacle.

The fine address of welcome given by Governor William Spry, who as a boy worked his passage across the Atlantic, illustrated what is possible in this country in the way of both intellectual and political achievement.

Of course it is not practicable, even if it were desirable, to review the address of President Meldrim on "The Lawyer", the address of Ex-Senator Bailey on "The American Judiciary", the address of Simeon E. Baldwin on "Changes in International Law", the address of Professor Frankfurter of Harvard on "The Law and the Law Schools", or the toasts that were given at the annual dinner. It is enough to say that all these were well prepared and well done. Ex-President Taft took part in the deliberations of the Association and spoke at the dinner.

Nor is it practicable to go over the reports of the standing and special committees of the Association, all of which were in the highest degree valuable to the lawyer. Owing to the interest which legislation has for all some attention may be given to the report of the Committee on Noteworthy Changes in the Statute Law, which supersedes by an amendment of the Constitution in 1913 the President as the collector and collator of legislation.

Out of the mass of 58,600 bills introduced in the legislatures of forty-three states and during the three sessions of Congress, of which 16,000 became statutes, a law enacted by Missouri is the most interesting of all to the lawyer; for it makes the judge of each circuit court a commissioner for his respective court to select the opinions to be published in the official report of the state and to supervise the syllabi of those opinions. Another sign of hope was given by Nebraska, which enacted a law relieving the Supreme Court from writing opinions except in cases involving new points of law or reversing other decisions.

Next in interest to that is the report of the progress that has been made towards securing uniform state laws, a matter dear to the heart of the American Bar Association. For this reform it has worked up-

PROCEEDINGS.

enough for many years under every conceivable discouragement. But each year reports come that new states have adopted some of the legislation it has advocated. This last year there were adoptions of the Uniform Warehouse Receipts Act, the Uniform Bills of Lading Act, the Uniform Desertion and Nonsupport Act, the Uniform Workmen's Compensation Act, the Uniform Partnership Act, the Uniform Sales Act, the Uniform Probation of Wills Act, the Uniform Acknowledgment of Deeds Act, and the Uniform Marriage Act.

In regard to better procedure Congress has awakened and enacted that if a suit at law is brought in equity, or *vice versa*, the courts shall order the necessary amendment and proceed. The Act also gives the long-delayed privilege of making equitable defenses in law actions.

Michigan and Vermont have abolished common law forms except as to assumpsit, trespass, replevin, and ejectment, a step which Pennsylvania took thirty years ago. The Michigan Act adopts the old practice of Pennsylvania permitting a summary judgment in actions on contract where the plaintiff's affidavit is not met by an affidavit of merits.

Pennsylvania has abolished special pleadings and demurrers and extended the affidavit of defense to all actions, confining the pleadings to the plaintiff's statement and the affidavit of defense. It is the common practice there for the prothonotary to enter a judgment for want of an affidavit of defense.

Pennsylvania has enacted that a written demand for a jury in an action at law must be made or right to a jury shall be forfeited and the case shall go to trial before the court.

It may be mentioned here in passing that in California there has been for many years a practice under a rule of court requiring notice from either party wanting a jury, the notice to be accompanied by jury fees for at least the first day of the trial. After that the party demanding the jury must advance the jury fees from day to day. This practice has been very satisfactory and has resulted in doing away very largely with jury trials except in personal injury cases; and even many of those are tried without a jury. Of course the saving of time is enormous.

South Dakota has enacted that a verdict of five-sixths of the jury is sufficient in a civil case.

The death penalty has been abolished in North Dakota, Oregon, and South Dakota, except that in North Dakota a person convicted of murder in the first degree while under a life sentence for the same crime may be punished by death. The North Dakota Act provides that no person serving a life sentence shall receive a pardon, except where the Prison Board is satisfied of his innocence, until he has been confined for one-half of the time of his life expectancy under the Carlisle Table of Mortality.

New York has enacted that no provision of the labor laws can be tested as a defense in an action. A state action must be brought for that purpose in the Supreme Court.

Oregon has created a small claims department of its District Court for claims of not more than \$20. Attorneys are not allowed in the cases. The costs shall not exceed 75 cents.

Massachusetts has enacted that an applicant for admission to the bar who is a college graduate or who has complied with the requirements of a day school or an evening high school shall not be required to take an examination as to his general education; and the law of Montana provides that a diploma from the department of law of a state university shall entitle the holder to practice without further examination.

Missouri has grown tired of the corporate practitioner and has prohibited the practice of law without a license and has forbidden any association or corporation to secure such a license. It defines law business as the advising or counseling for a valuable consideration of any firm, association, or corporation as to any secular law, or the drawing or assisting in drawing of any paper affecting or relating to secular rights for a valuable consideration.

Vermont, California, Colorado, Michigan, Montana, and Washington have made provisions so that persons recently changing residential districts may vote in the old district while acquiring residence in the new.

Numerous amendments to the referendum or the initiative petition where those things have flourished indicate that they have been fraudulently and otherwise badly used.

The work of appointing committees or commissions to draft laws so that they may be more grammatical and comprehensive still goes on.

Colorado, Idaho, and South Dakota have proposed constitutional amendments for state-wide prohibition. Arkansas, Colorado, Oregon, and Washington have prohibited the manufacture or sale of intoxicating liquors. Montana and South Carolina referred prohibition acts to the voters, and local option laws were passed by Minnesota and South Dakota. Alabama has forbidden advertisements for the manufacture or sale of liquor and has prohibited the shipment of liquor into the state.

Washington, Idaho, Oregon, and Colorado all went "dry" on the first of this year.

(Secretary's Note: At the election on November 7, 1916, South Dakota, Nebraska and Michigan voted for prohibition.)

Numerous states have enacted laws regulating or restricting the sale of narcotics or habit-forming drugs.

It will interest all dwellers in cities to hear that California now

requires that eggs brought in to the state from outside the United States must be in wrappers or containers showing that fact, and the person selling them in California must display a sign that he is doing so. Oregon and Washington have passed like laws. Rhode Island and Minnesota require conspicuous marking of cold-storage eggs and the latter state makes it a misdemeanor to sell or advertise cold-storage eggs without so informing the purchaser.

(Secretary's Note: Since the foregoing report was made the Oregon law requiring dealers to label imported eggs as such was held invalid as being not a police regulation, but merely interference with commerce and with the tariff law making eggs free of duty. *State v. Jacobsen*, 157 Pacific 1108.)

Nebraska, Wyoming, Washington, Montana, Oklahoma, North Dakota, South Dakota, New Hampshire, Tennessee, and Nevada have passed laws to pension mothers who are widowed, divorced, or abandoned, so that they may provide for their children "in their own homes".

California requires semi-monthly pay days for all employees, Kansas requires them for corporations, while for corporations Maine requires weekly pay days. Railway companies must pay semi-monthly in Iowa and North Carolina, and public corporations must pay semi-monthly in Minnesota.

Nebraska has forbidden assignment of wages by the head of a family unless it is also executed and acknowledged by the wife.

Oklahoma has extended the "Jim Crow" legislation requiring separate accommodations for Caucasians and Negroes on railway trains so that telephone and telegraph companies must furnish separate booths when the corporation commission so orders.

Deserving of comment is a paper on "The Growing Demand for a Broad General Education", which was read before the Section of Legal Education by Charles M. Hepburn, its secretary. He excluded Abraham Lincoln and a great many other leaders at the Bar as follows:

"Only broad-gauged men, whose hearts and minds have been developed by the serious reflections of a liberal education, are qualified to assist as advocates or judges in developing the great body of law which is becoming a part of our national life. * * *

"A man who has had a liberal education is likely to look upon his profession and the world in a broad and liberal way; to see facts as they are without distortion or prejudice, and to reason from them in accordance with the dictates of sound judgment".

The manner in which the uneducated Lincoln revised and improved the state papers of the highly trained scholars around him is familiar to all students of our history. For sane judgment no educated man of the time equaled him.

It is also well known to observing lawyers that trained judges do not always handle facts so well as untrained juries do. Statistics have been compiled from official court reports to show a high percentage of reversals owing to the mishandling of facts by trial judges. Every specialist is warped to some degree by his education. Of course nobody can argue against the best education that is obtainable for a man, but what is known as a liberal education is not at all indispensable to good citizenship or to honorable success at the bar.

A look will be taken at the work of the American Institute of Criminal Law and Criminology because it has to do with a subject which touches the better natures of us all and which is receiving more than ordinary attention from the Bar and the public. Moreover, much of the fault that is found today with respect to dealing with crime and criminals is laid at the door of the lawyers and the courts. However, as will appear, great progress is being made.

President Robert Ralston, who is judge of the Court of Common Pleas, Philadelphia, taking the statement of Mr. Taft some years ago, that "It is not too much to say that the administration of the criminal law in this country is a disgrace to our civilization", observed that there are 48 states in the Union and that if the language meant that in each one of those states the administration of the criminal law is a disgrace the statement was entirely too broad. The speaker said that probably nothing had done more to bring discredit upon criminal trials than those acts of the legislature which had restricted the trial judge in charging the jury, and he expressed the view that it is not possible for a jury to acquire from written instructions the clear understanding of the case that it would receive from an oral charge. He pointed out that the states in which the powers of the court had been most curtailed in this and in other kindred particulars are the very states in which the greatest dissatisfaction with the administration of the criminal law has been expressed. He thought that much time and expense would be saved and that appeals would be simplified if the original record, the typewritten copy of the testimony, and the charge to the jury were handed up to the appellate court.

It may be observed in passing that some years ago this practice obtained in the territory of Arizona and gave satisfaction.

Judge Ralston expressed the belief that the administration of criminal law in most of the states is satisfactory and he said that from most of them but few complaints are heard. Of course we in Illinois know that after the Bench and Bar have succeeded in their work the great difficulty is to keep, against the sob system of the day, a culprit where he belongs. Within a relatively short time six or seven or more husband-killers have been acquitted in Chicago, while many persons who are convicted are shortly thereafter released. These condi-

tions rest on public temperament or lawlessness and cannot be charged to the courts.

While the Bar Association and the Institute of Criminal Law and Criminology were sitting in Salt Lake City the press announced that the people of Utah resented the communications that were being sent in from the country at large, by persons of course ignorant of the facts, asking clemency for a man under conviction of a peculiarly cold-blooded murder. It was said that the experience of Georgia would not be repeated in Utah and that the laws of that state would be enforced regardless of outside interference. That put a pause to the flow of emotionalism. After the most thorough examination and re-examination of the evidence the man was executed. His body was brought to Chicago in a spectacular manner. But the sentimentalist achieved nothing. The State of Utah showed the country how respect for law and for the courts that administer it may be maintained. Even those who do not believe in capital punishment at all will concede that so long as the law remains as it is, it should be executed in an orderly and punctual manner. The Bench and Bar of the country are indebted to the State in which they met last year for an example of how to do it.

Judge William N. Gemmill of the Municipal Court of Chicago, Chairman of Committee A of the Institute, read an address on "Employment and Compensation of Prisoners", which showed a very thorough study of the subject and which massed a great deal of information on the improved manner in which prisoners are being managed throughout the United States and Canada. The most pronounced advancement is in the use of farms. These are generally more than self-sustaining. Besides thus affording relief to the taxpayer, they give to the prisoner the outdoor life and occupation which should do most for health, mind and morals. Judge Gemmill raised the question whether the state should assist or pension the dependent families of prisoners and neglect the dependent families of the poor but honest men who, through sickness or misfortune, can no longer give support to them. He pointed out that during 1911, 1912 and 1913 numerous states had enacted laws looking toward rendering help to the dependent families of prisoners or to giving financial help to the prisoner himself, but he said that in practice little has yet come of these laws because generally they do not make adequate provision for the raising of money. The State of Illinois has a farm of 2200 acres near Joliet. During the last year about fifty convicts were kept continually at work upon the land erecting buildings and performing ordinary farm labor. Over \$6,000 was realized from this work.

In road-building Judge Gemmill sees a great future for the prisoner and a consequent great saving for the taxpayer. He said that the States of Washington and Colorado particularly have demonstrated the practicability of this method of employment. During the two

years ending November 30, 1914, about half the inmates of the Colorado penitentiary at Canon City constructed 149 miles of good road, much of it being through difficult mountain passes where roads were most badly needed. Among the recommendations of the committee of which Judge Gemmill was chairman was one that if the dependent families of the prisoners are to be assisted either from taxation or from the earnings of the prisoners themselves, so also should be the families of the victims in those cases in which they are made dependent by the criminal acts of the prisoners.

In an address on "Immigration and Crime", Grace Abbott, Chairman of Committee G, showed by the records and reports that are available what has been clear to every observing reader of newspapers, namely, that "immigrants are less prone to commit crime than are the native Americans". She showed also that "of these foreign-born offenders, the number of those who come from English-speaking countries is disproportionately large, as they constitute 34.6 per cent of all those committed to penal institutions and only 15.1 per cent of the total population".

From statistics contained in a report of the Chicago Council Committee on Crime, submitted in March, 1915, she showed:

"It appears that the Americans, both white and colored have a larger percentage of arrests than their proportion of population entitles them to have, while the immigrant, who forms 46.7 per cent of the population, furnishes only 35.3 per cent of the arrests".

Comparing the convictions with the population, the native American again suffers and even more unfavorably—that is 59.4 per cent of the convictions are of white Americans, while their percentage of population over 15 years of age is only 50.9 per cent.

It appears also that the Italian, who, by the sensationalism of newspaper reports of misdeeds, has come to be commonly accepted as very criminal, is superior in this respect to the German, the Austrian and the Russian, and is inferior only to the Englishman, the Irishman, the Frenchman and the Hollander. He is so far superior to either the white American or the colored American that they should not be mentioned in the same category.

The speaker effectively refutes the "popular opinion that our real problem lies in the disproportionate amount of crime for which the immigrant is responsible."

Further it was shown that many of the arrests and many of the convictions of immigrants are owing to our crude methods of dealing with nonspeakers of English and our general mishandling of them. In Chicago 57 per cent of all the cases disposed of by the criminal branches of the Municipal Court in 1913 were dismissed. That evidently means that the immigrant is interfered with needlessly. The Chicago Commission on Crime recommended that a central bureau of efficient in-

interpreters be established so that the case of an immigrant not able to speak English may be properly heard.

Because the records throughout the country are not uniform and particular, the committee on Immigration and Crime recommended that all court records in criminal cases show the race and the birthplace of the person apprehended and the birthplace of his parents.

It is recommended also that a public defender be employed for the non-English speaking immigrants accused of crime.

From the foregoing it seems that the literacy test should not be applied to the immigrant—at least not until the native American has been brought up to his level.

Joel D. Hunter, Chairman of Committee H, made a report on the sterilization of criminals showing that 16 states have enacted statutes on this subject. But in the 1915 sessions of the legislatures none of the many bills of this nature was passed. This would indicate that the tide of enthusiasm has been receding. North Dakota and California are the only states in which operations for sterilization are being performed under the law.

The committee recommended that research to cover the points considered in the report be made by some scientific body outside of the states in which sterilization laws have been in operation. In 1914 the committee reported that it did not believe it possible to state with authority what the physiological or psychical results of sterilization are, nor could the therapeutic value be stated. In 1915 the committee was of the same opinion.

A minority report was filed by Dr. William T. Belfield of Chicago, who said that a measure designed to check the ominous flooding of the nation with irresponsibles, and which had secured within six years legislative enactment in twelve states, was "worthy of virile treatment by the American Institute of Criminal Law and Criminology".

There is so much of interest and value that might be reported that it is difficult to stop.

Delegates:

THOMAS J. NORTON, Chairman

EDGAR A. BANCROFT

EDWARD C. KRAMER

Chicago, May 26, 1916.

THE PRESIDENT: Gentlemen, what is your pleasure? That the report be received, approved and placed on file? If there is no objection that will be the course of procedure.

We have here a letter from the Gunthorp Legal Directory Company, stating that they will hereafter mark in their directory

the membership in the Illinois State Bar Association and send to each member of the Association a complimentary copy.

The president also has a letter from Mr. Thomas S. McClelland, with a resolution attached regarding revision of the Inheritance Tax law, and suggesting the same be referred to the Committee on Law Reform. If there is no objection that will be the course of action.

The next is the report of Committee on Uniform State Laws, by Mr. Frederic R. DeYoung, chairman.

The report is as follows:

**REPORT OF COMMITTEE ON UNIFORM STATE LAWS OF THE
ILLINOIS STATE BAR ASSOCIATION, 1916.**

To the President and Members of the Illinois State Bar Association:

GENTLEMEN:

Your Committee on Uniform State Laws begs to report:

The National Conference of Commissioners on Uniform State Laws has prepared, approved and recommended to the several States for enactment, the following:

1. The Uniform Negotiable Instruments Act.
2. The Uniform Sales Act.
3. The Uniform Warehouse Receipts Act.
4. The Uniform Divorce Act.
5. The Uniform Bills of Lading Act.
6. The Uniform Stock Transfer Act.
7. The Uniform Family Desertion Act.
8. The Uniform Probate of Foreign Wills Act.
9. The Uniform Marriage License Act.
10. The Uniform Child Labor Law.
11. The Uniform Marriage Evasion Act.
12. The Uniform Acknowledgments Act.
13. The Uniform Partnership Act.
14. The Uniform Cold Storage Act.
15. The Uniform Workmen's Compensation Act.
16. The Uniform Land Registration Act.
17. The Uniform Foreign Probate Act.
18. The Uniform Flag Law.

Of these uniform acts, the General Assembly of Illinois has enacted five. They are, with the times from which they respectively became effective in Illinois, as follows:

1. The Uniform Negotiable Instruments Act, July 1, 1907.
2. The Uniform Warehouse Receipts Act, July 1, 1907.

3. The Uniform Bills of Lading Act, July 1, 1911.
4. The Uniform Marriage Evasion Act, July 1, 1915.
5. The Uniform Sales Act, July 1, 1915.

The regular session of the Forty-ninth General Assembly adjourned sine die within a few days after the last annual meeting of this Association. Since that time no additional act recommended by the National Conference of Commissioners on Uniform State Laws could, therefore, have been made a part of the law of this State.

While your committee does not wish to recommend certain of the uniform acts over others, believing that substantially all of them should be enacted, it is of the opinion that especial attention should, at the present time, be called to three:

FIRST: The Uniform Stock Transfer Act. It has already been enacted in eleven jurisdictions, among which are the leading States of Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania and Wisconsin.

SECOND: The Uniform Acknowledgments Act. The various forms of certificates of acknowledgment prescribed by the several States cause much expense, delay and annoyance in the transfer or conveyance of real property. The provisions of these statutes should be uniform.

THIRD: The Uniform Partnership Act. Many of the problems presented by this branch of the law in the various jurisdictions will be solved by the adoption of this act.

Since uniformity in these branches of the law is of the utmost importance, your committee recommends that this Association especially endorse the three acts last mentioned for enactment by the Fiftieth General Assembly.

Your committee further recommends that this Association endorse:

1. The passage by the Legislature of this State of the remaining Acts approved by the National Conference of Commissioners on Uniform State Laws.

2. The creation of an official commission for the promotion of uniformity in those States which have not already done so by legislative enactment.

The last General Assembly appropriated for the Commission for the Uniformity of Legislation in the United States, created by an act approved June 3, 1907, the sum of one thousand dollars. To few, if any, purposes, could public money be better devoted, and your committee suggests that this Association express its appreciation of the support and encouragement which the Legislature of this State has given that Commission with the hope that such appropriations, more liberal, if possible, be continued in the future.

Your committee would be wholly remiss in the performance of

its duty if it did not call the Association's attention to the conspicuous service rendered in the field of uniform state legislation by your president, Col. Nathan William MacChesney. For years a member of the Illinois Commission and of the National Conference, he has performed his duties with rare knowledge and untiring zeal. His generous service has reflected great honor upon this Association and our State, and it is hoped that he, and men of like scholarly attainments may continue to be members of the Illinois Commission.

Respectfully submitted,

FREDERIC R. DEYOUNG,
Chairman.

THE PRESIDENT: There are some endorsements, and the Chair is suggesting that the report be adopted; I suppose that is the usual course, and the recommendations concurred in. As many as favor the adoption say aye. Opposed, no. It is carried.

I want to call attention to the fact that we are indebted in this State for the passage of the Uniform Sales Act, drafted by Prof. Williston, of Harvard, and which is now the law here, to the very energetic and painstaking and loyal service of Mr. De-Young, who, as a member of the legislature took charge of its passage through the house last year.

The next report is on Non-Partisan Judiciary, by Judge Edward C. Kramer.

JUDGE EDWARD C. KRAMER: I have not the prepared report, gentlemen, but I can state the substance of it.

The Committee on Non-Partisan Judiciary has not been very active during last year because there has been no session of the General Assembly at which any action could be taken to bring about a non-partisan judiciary. The committee, however, recommends that this be kept a live subject in the Association, and that inasmuch as there will be a session of the General Assembly next year at which action may be taken bringing about non-partisan judiciary, that a committee be appointed for the purpose of giving this subject attention and, if possible, securing legislation somewhat along the lines recommended by Prof. Schofield in the bill reported by him in the report made to the Association in 1914.

That bill, in the main, provides that all judicial officers shall be elected at the same time and at the time when other officers are not elected, that is, at a special election, and that there be no

political nominations made; that they be nominated by petition with no insignia above their names upon the ballot, further than the office for which they are running. As to whether or not there shall be a primary, or in other words, two elections at judicial elections, first to determine the candidates and then to vote upon them, we make no recommendation at this time because we have found the bar somewhat divided upon that subject.

In the City of Chicago it is considered by the bar that it is almost necessary to have the two elections, while outside the City of Chicago it is the consensus of opinion that two elections are not necessary.

In addition to this report I want to say, gentlemen, that I have been interested in this subject for some time, and I find among the members of the bar those who are affiliated with the political party that is in the minority, especially that class of lawyers who have an ambition to serve their State upon the bench, very much inclined to our view that is in favor of a non-partisan judiciary; while those who are connected with the majority party not so favorable to it. (Laughter.)

About three years ago we had a great number of the Grand Old Republican party who were very much in favor of non-partisan judiciary, and shortly afterwards they lost their interest in the subject. Whether or not we are going to have recruits from that party will be determined by the action taken here in Chicago next week.

I believe this is all I have to say, Mr. Chairman. (Applause.)

THE PRESIDENT: Gentlemen, you have heard the report, the substance of which is that the committee be continued and that the Association continue to work for a bill for non-partisan judiciary, which has heretofore been endorsed. As many as favor the action, signify it by saying aye. Opposed? It is carried.

The Committee on Legislative Drafting, by Prof. Ernst Freund. (Applause.)

REPORT OF THE COMMITTEE ON LEGISLATIVE DRAFTING OF THE ILLINOIS STATE BAR ASSOCIATION.

The Committee on Legislative Drafting was created at the beginning of the current year of the Illinois State Bar Association in order to express the interest and secure the cooperation of the members of the Bar of the State of Illinois in the movement for the improvement of methods of statute making.

By Act approved June 26, 1913, the Legislature of the State created a joint legislative reference bureau composed of the Governor, and chairman of the committees on Appropriation of the Senate and the House, and the chairman of the committees on Judiciary of the Senate and the House, which maintains an office with a permanent secretary in Springfield, Illinois. Mr. Finley F. Bell has acted as secretary of the bureau from the beginning.

The law makes it the duty of the reference bureau, in addition to the indexing of bills and the preparation of a budget, to collect and keep in such manner as to make the same readily accessible, such laws, reports, books, periodicals, documents, catalogues, check lists, digests, summaries of the laws of other states upon current legislation, and such other printed or written matter as may aid the members of the General Assembly in the performance of their official duties; also to afford to any member of the General Assembly, upon his request, such legal assistance and information as may be practicable in the preparation of bills, memorials, resolutions, orders and amendments, alterations, changes thereto and revisions and substitutes thereof, proposed to be introduced into the General Assembly by said member.

In accordance with these provisions the bureau has collected a large amount of material serviceable for legislation, particularly in the form of card indices, and has also extensively aided members of the General Assembly in the preparation of bills. It is stated that of 1549 measures introduced in the Forty-ninth General Assembly, 1250 were prepared by the bureau, and that less than one dozen of the more than two hundred members of the General Assembly failed to make use of its services.

Thus from the very beginning the bureau has established its usefulness which undoubtedly will grow as it gathers experience and justifies itself by the quality of its work.

With regard to the preparation of bills, Secretary Bell states that the following routine is observed:

1. Examine the existing laws of the State carefully to ascertain if there be any provision of the law already in force that will meet and cover the end sought. In this connection it will be of service to inquire also if the subject matter has before been considered or presented to the legislature in former sessions.

2. If no such provisions be found in the statute, careful consideration should be given as to whether the bill to be prepared shall present a new Act, a revision of one or an amendment to one or more sections of an existing law. As a general proposition, aside from some comprehensive measures, it is preferable to proceed by amending if possible.

3. Having determined upon the form of the bill, the substance is the next inquiry and the laws of other States and countries may be looked to for aid in determining the best means of securing the desired purpose. If a law or section of law of another State satisfactorily meets the need, it will prove a valuable guide, especially if such law has been passed upon by the courts.

4. Next, careful consideration must be given all questions and provisions involving the legality or constitutionality of the proposed Act.

5. And finally, the phraseology is to be scrutinized with great care to avoid ambiguity and uncertainty of expression.

It appears that the bureau has a clear appreciation of some of the most common defects and blemishes in the style of our legislation and will, so far as lies in its power, make every effort to remedy the same. This relates particularly to the form of titles of amending acts; the length of sentences and sections, and the use of repealing clauses.

Attention is called to the fact that no matter how carefully and correctly a bill may be prepared by, or with, the aid of the bureau, it is apt to undergo considerable changes during the course of its passage through the Legislature, and that in the haste and hurry with which these changes are rushed through frequently in the closing days of the session when there is insufficient time for careful deliberation, defects are liable to creep into a bill which, under the present system of legislation, cannot adequately be guarded against.

It has also been suggested that the Legislative Reference Bureau might well perform the following functions:

Indexing and supervision of the printing of all legislative documents, viz., indexing session laws and all pamphlet laws so as to provide uniformity. Inasmuch as the Bureau prepares such a large number of bills for introduction and digests and indexes all measures considered in both branches of the Assembly, it only seems proper that the indexing of all laws and legislative publications should be a part of the work of the Bureau.

That the bureau make a biennial report to the Governor covering the work of the bureau, and also calling attention to defects or conflicts in the laws that have been disclosed or developed in the last two years, together with recommendations of the required action to remedy such defects or conflicts. This duty is now imposed by the constitution upon the judges of the state, but is not performed. The Com-

mittee believes that this function could be very advantageously performed by the Bureau and it recommends that the Bar Association place itself on record as favoring an amendment of the Legislative Reference Bureau Law in this respect.

The Committee does not at this time desire to make any definite proposals looking to the reform of legislative drafting since it prefers to watch further the progress of the work of the reference bureau. The existence and the continuance of the committee will be justified if it takes an intelligent and active interest in the work of the bureau and if it keeps the members of the Bar informed with respect to the progress of the legislative drafting movement in Illinois.

ERNST FREUND,
Chairman.

PROF. FREUND: You will notice it is signed only by the Chairman. That is due to the fact that the Chairman was not here to supervise the printing. The report was circulated and concurred in by all members.

The report is devoted very largely to the work of the legislative reference bureau in Springfield, established at the beginning of last year, under an act of the last General Assembly.

The movement for legislative drafting is one that is making very rapid headway in this country. Quite a large number of states have established a drafting bureau in connection with the legislative reference service.

There is one aspect of legislation in which you lawyers are interested, that is the sound technique, the good drafting, the fact that the law should work well in connection with the existing law, and should carry out its proposed purposes, whatever they may be, in a workmanlike and thoroughly professional manner.

The legislative drafting service of the legislative reference bureau looks to that, and the bureau in Springfield has been organized with the purpose of emphasizing that part of the service which, after all, can be very much better attended to by a small bureau than the very much larger job of seeing that legislation in all respects shall be wise. We can not always control the wisdom of legislation which depends so much upon varying and conflicting opinions.

The beginning of this work has been very encouraging. 'Mr.

Bell, the secretary of the bureau is present and could give further information, if desired.

The report shows to what extent the legislators have availed themselves of the services of the bureau. You will find the figures given. It is stated that of 1549 measures introduced in the 49th General Assembly, 1250 were prepared by the bureau, and that less than one dozen of the more than two hundred members of the General Assembly failed to make use of its services.

That is very encouraging, and you will appreciate and realize the fact that a bureau of that kind ought not to put itself forward, that it should go slow and win the confidence of the members of the legislature in unobtrusive ways. If this bureau and this service has the support and the co-operation of the bar of the state, its powers for good in this state are almost unlimited. And I think the main purpose of the existence of the Committee of the Bar Association is to keep the bar in touch with the work of that bureau and to call attention from time to time to what it accomplishes and what it desires to accomplish in the future.

The bureau has rather large plans as to what it may do, but does not believe it wise to press and urge, at present, those plans, but believes it is wiser they should be declared as its work extends and commends itself to the attention and good will of the members of the General Assembly. Therefore, the recommendations in this report confine themselves to a very few technical points.

However, there is one point which the bureau emphasizes and which I think is well worth your attention.

You know that the Constitution of the State contains a clause which is honored in its breach rather than in its observance: Judges of the courts are required to render annual statements to the Supreme Court of the State of the defects they find in the laws as they administer the laws, and the Supreme Court is to recommend changes to cure those defects to the General Assembly. That clause of the constitution has never been carried out by the judges. For some reason or other the judges do not feel that this is their function, or that they can well perform it. The bureau believes it can do some good in this direction. The bureau will keep an eye upon the working of the more technical features of

legislation and will be in a position to make recommendations that will tend toward the greater perfection of statutes in this State; and the bureau desires that the Bar Association place itself upon record to the effect that an amendment be passed to the act by the General Assembly placing that function of recommendation in the hands of the bureau. In other words, an amendment to the effect that the bureau render a biennial report to the Governor for transmission to the General Assembly, calling attention to such defects as may have been discovered in the last two years in the working of the statutes, and recommending changes to remedy those defects. That function, of course, would still belong, under the constitution, to the judges, but since the judges do not perform it, there is no cause for jealousy.

I understand that if this report is adopted that it will include also the adoption of this recommendation, because the report contains a clause to that effect. I do not know whether a separate resolution would be necessary.

THE PRESIDENT: The president will state the motion, that the report be adopted and the recommendations concurred in; is that your motion?

PROF. FREUND: Yes.

The motion was thereupon carried.

The report of the Committee on New Constitution for Illinois, by Col. George T. Buckingham.

MR. GEORGE T. BUCKINGHAM: Mr. Chairman and Gentlemen of the Illinois State Bar Association: Your committee on the subject of the revision of the constitution can only report progress, and have decided to leave the subject matter to its successor committee. We have no definite and specific report to make at this time, except that the matter has been the subject of considerable discussion at meetings of the associations throughout the state, and doubtless will be throughout the ensuing year.

The report was thereupon adopted.

THE PRESIDENT: The report of the Committee To Devise Plan for Retirement Fund for Aged Lawyers and to Raise Funds Therefor.

*Illinois State Bar Association, Chicago, Illinois.***GENTLEMEN:**

Your Committee to Devise Plan for Retirement Fund for Aged Lawyers, and to raise funds therefor, beg leave to report as follows:

While the emoluments arising from the practice of our profession are modest, they are usually adequate to provide for old age and infirmity, but it is unfortunately true that occasionally a worthy member of the Bar is found who through infirmity or other misfortune is in real need and without the means to provide himself with necessary comforts of life. It seems clear that all such worthy cases should receive the consideration and assistance of their more fortunate brethren and that a plan to that end should be established, which should be simple, practicable of operation, without undue publicity and effective in accomplishment.

The consideration of the Committee has led it to believe that in most of the cases effective relief will be accomplished by utilizing the privileges of homes for the care of the aged or the infirm, as the case may be. There are a number of these in this state, well endowed and operated under conditions which afford great comfort to those accepting their benefits. The cost of this is usually not great, running from \$300 to \$800 a case, according to circumstances. As it may be expected the cases will not be many, the necessity or desirability of a large fund does not seem to the Committee to exist. The Committee, therefore, recommends that:

I**CONSTITUTION OF BOARD OF TRUSTEES.**

A foundation or trust be created, to be known as "Illinois Bar Pension Foundation"; that it be managed by a board of seven trustees; that the Board consist of four members of the Bar of the State of Illinois, who are also members of this Association, to be selected by the President of this Association, and three ex officio members, who shall be the individuals who from time to time occupy respectively the offices of President of the Illinois State Bar Association, Chief Justice of the Supreme Court of Illinois and Dean of the Law School of the University of Illinois; that the members of the Board other than the ex officio members shall hold office for life, or until they cease to practice law in the State, become incapacitated through age or other infirmity or resign, or for any reason in the opinion of the Board become incompetent; that the ex officio members shall hold office so long as they are in the office which is the basis of ex officio membership; that the Board shall have the power to determine when a vacancy exists, or to cause a vacancy to exist, within the lines above laid down; that the Board shall

itself have the power to fill all vacancies in its composition other than those to be filled ex officio.

II.

PURPOSE.

The purpose of the Foundation shall be to provide, in such instances as the Board may determine, for the care or support of aged and infirm members of the Bar of the State of Illinois, who are or have been members of this Association, and, for the care and support of such members of their families as may be dependent upon them.

III.

POWER.

In addition to the powers of perpetuation above stated, the Board shall have the right to make all reasonable rules and regulations for its government and the government of its funds, consistent with the powers heretofore stated, including specially the powers to determine in what instances and in what manner it may afford relief to qualified candidates coming to its attention; the first Board shall select a responsible trust company (providing proper methods of removal and succession) to hold all the funds of the Foundation, the same to be managed and disbursed upon the order of the Board; the Foundation shall be authorized and empowered to receive donations and bequests of funds or property to be utilized for its purposes; the Board may use any part of the principal or income of its funds in carrying out its purposes and may devise plans from time to time to raise funds to cover deficiencies or necessities for any of its purposes.

IV.

FINANCIAL PLAN.

Each member of the Association be requested to now subscribe such sum as he may desire (preferable not exceeding in any event the sum of \$100), to be used as the initial fund of the Foundation, from which a fund of at least \$5,000 should be raised; at the same time each member of the Association be requested to indicate upon a proper form whether he is willing to have the sum of \$1.00 per year added to his annual dues to this Association, to be contributed to the Foundation Fund, the same to be a voluntary contribution and terminable at any time by giving notice to the Secretary of this Association. By this method it is thought that sufficient funds would be annually raised to cover depletions in the Initial Fund above provided for,

V.

AUDIT AND REPORT.

The Foundation shall report to the Illinois State Bar Association, which shall have full right to inspect all the proceedings and acts of the Board. It shall be the duty of the Illinois State Bar Association to cause the accounts of the Board to be audited and its schedules of securities and property to be verified by a certified public accountant selected by the Board of Governors of the State Bar Association, at least once in each year. The result of such audit and verification shall be reported to the Association at each annual meeting of the Association. At the same time the Board shall make a full report of its acts and doings to the Association.

Respectfully submitted,

JOHN S. MILLER

HENRY RUSSELL PLATT

THOMAS B. MARSTON

GEORGE P. FISHER

JOHN BARTON PAYNE

FREDERICK H. WICKETT

HARRISON MUSGRAVE

KEMPER K. KNAPP

ROBERT REDFIELD

JOSEPH H. DEFREES.

MR. DEFREES: It was thought by the committee it would be highly desirable to formulate a plan for a foundation or trust to provide means to take care of worthy members of the bar who, through misfortune, are found in real need and without the means to provide the necessary comforts of life.

The committee, in the beginning, gave considerable thought to the practicability of the plan. It seems to it that the plan proposed is definitely practicable and easy of operation. It contemplates the creation of a board of seven trustees, four of whom shall be ex-officio members, consisting of the President of the Illinois State Bar Association, the Chief Justice of the Supreme Court, the Dean of the Law School of the University of Illinois, and the other members of the Board shall hold office for life or until they cease to practice law in the state or become incapacitated.

At a meeting of the committee subsequent to the printing of this report, it was thought wise to add an additional paragraph

to the recommendations of the committee. That recommendation is that the Board might, by the affirmative vote of at least five out of seven members, make amendments to its plan or constitution not inconsistent with the general purposes herein stated, which future study or experience may seem to make desirable, provided:

(a) That at least ten days notice in writing of the time and place of such meeting shall have been given to each member of the Board by the officer of the Board who may be empowered to call meetings, or by at least two members of the Board.

(b) That a copy of the amendment or amendments proposed, or a written statement of the substance thereof, accompany such notice.

(c) That no amendment shall be effective unless it be approved by the affirmative vote of at least two-thirds of the Board of Governors of the State Bar Association at some meeting of the Board.

It was thought the whole proposition was substantially new, so that it was really desirable that opportunity to amend and modify should exist, and that safeguard might safely be left to the Board.

I move the adoption of the report and that the President of this Association, acting through a committee to be appointed by him, cause such a Foundation or Trust to be created substantially as described in and contemplated by said report, with such amplification or modification in the instrument creating such Foundation, not inconsistent with the general purposes set forth in said report, as may be found by said committee to be appropriate: conditioned, however, that the instrument creating such trust shall be approved by the Board of Governors of this Association.

I would like to repeat, before the motion is put, Mr. President, that the members of the committee gave such publicity to the report as they had opportunity, through various members of the Association here in Chicago prior to this meeting, and I have reported already contributions in excess of \$2,500.

MR. SHEEAN (of Galena): I want to object to that proposition. I am not in favor of pensioning the lawyers. We have pensions enough now in regard to other persons, and it seems to

me that lawyers who have practiced long enough to be pensioned ought to get out of the practice before it is necessary to pension them. A lawyer of good habits, a proper way of living, ought to be independent of any pension. I am strongly opposed to pensioning or proposing to pension any lawyers, therefore, I object to this recommendation and shall certainly vote against it. I believe I am, perhaps, the oldest member of the State Bar Association, and I do not know and have not known in all my long practice, of any attorney that practiced as he ought to, that lived as he ought to, that would need a pension. I have never known any of them. Therefore, I move that the recommendation be rejected.

THE PRESIDENT: Mr. Sheean, the motion is that the report of the committee be adopted. And I do not know whether there is a second to that motion or not.

The motion was seconded.

THE PRESIDENT: But I understand that is done. Any motion you might make would have to take the form of an amendment to that motion.

MR. SHEEAN: Well, I make a motion then to lay it on the table.

The motion was seconded and on vote was declared lost.

MR. McROBERTS: I think Mr. Williams desires to speak to that motion.

MR. E. P. WILLIAMS: My judgment would be that so far as the country lawyers are concerned, they ought to be able to take care of themselves. Probably it is true that quite a number of men who were leaders of the bar in Chicago fifty, or forty years ago, have become somewhat reduced in circumstances, seriously so, without, as I think, their fault. So far as the country lawyer is concerned, if he can not make a living from his profession, he better go at something else.

MR. JAMES J. BARBOUR: In view of the remarks of Mr. Sheean I think perhaps a word or two in behalf of the lawyers of the City of Chicago, from actual experience, might be stated.

I have in mind a practitioner of this bar, now deceased, who lived to be eighty years of age, and who was recognized as one of the leading lawyers here. He was a man of most exemplary habits. The only trouble about him was that he lived to be an

old man, and continued his office, and before he knew it the heavy office expenses which lawyers have in this city, and his living expenses, exceeded to a considerable extent his income. He became incapacitated, and although he had an estate which was estimated at \$100,000, that estate was just sufficient to care for him and afterwards his wife until she died, so that there was absolutely nothing left. And those of us in Chicago who were acquainted with the men who were the leaders years ago, well know that men who have received large fees from their practice, in a very short time, in two or three or four or five years their conditions change in such a way that such a provision as this, with a fund wisely administered, would be a credit to the profession, and would be the doing of nothing more than the duty of the members of the bar towards those men who we have learned to look up to with respect and veneration.

MAJOR EDGAR B. TOITMAN: I want to call your attention to the fact that this is not an ordinary pension scheme by which money is paid to a man when he reaches a certain age. He must first become incapacitated through age or other infirmity, or have become incompetent, so it is not paying money to a man, as has been suggested, who ought to get out of the profession.

This matter has been brought to my attention personally by virtue of the official positions that I have held in the Bar Association of the City of Chicago. There are not a few lawyers in the City of Chicago, men of fine character, men of good intellectual ability, men who lived an honest life, men who have been industrious and lived up to their ideals of the profession who, in the face of the keen competition in this city, the changes in conditions, have been unable to make a living at their profession when the years have come on and put them in a position where their original vigor and ability have been tempered by old age. Not one or two, not ten but at least twenty such cases have, from time to time, come to my attention, and the lawyers of the City of Chicago, without any ostentation at all, have helped their brethren in the profession under such circumstances. Two cases outside of Chicago have come to my own observation, and I know of at least two other instances, and there must be more. I can not

believe the country lawyers are entirely free from the inevitable consequences of modern life that we see here in Chicago.

I know of two instances in the country where lawyers have been placed in the position, without fault of their own, where their brethren at the bar have helped them.

Now why not let this help be done in a way that is systematic so that the burden falls very lightly on those who surely want to help if the circumstances justify help.

The objection seems to be based on incredulity that such circumstances do exist. If so, it hurts nobody to be ready to meet the case when it arises. There will be no heavy draft made on anybody if the number is so small as our brethren from the country seem to think and as we may all well hope. But certainly enough of such circumstances have come to our attention to justify us in saying that it is a creditable thing to make an organization that will meet the circumstances when they do arise, and carry the assistance, as far as we can in a way that saves the self respect and confidence of the man and helps him from a brother's hand and not from public charity. (Applause.)

MR. THOS. J. SHEEAN (of Galena): In answer to the suggestions made by the last gentleman, I think that it could be said by any lawyer in any part of the State of Illinois, that where a lawyer, through no fault of his own, became so enfeebled that he could not practice, or had other misfortunes that he could not overcome, that there were lawyers enough in the city, in a small city or in a large city, of his acquaintance, that would take care of him without putting the obligation on the State Bar Association. Now I think that is the experience, or would be, of any lawyer in the State of Illinois, a worthy member of the bar has never been known to me, to come within my knowledge at least, of suffering through poverty or want where it is not any fault of his own, for that reason I still am of the same opinion that I was when I made the motion.

THE PRESIDENT: May the Chair just state that since he has been President of this Association, his attention has been called to a number of instances of need for some help; and it seems to the Chair that the method provided by Mr. Defrees' committee

would enable the Association to do it in a manner that would not be a matter of personal charity. The money would be raised for the fund, and that fund would pension the man in such a way that he could take it with more self respect than he could a personal donation from a hat that is passed around. Teachers of the country and other professional bodies have provided for this contingency. One of the most distinguished lawyers of America told me the State Bar Association of New York had thought something ought to be done in New York, but it is left for the committee of this Association for the first time to devise a plan for the lawyers, and to provide at least partially a fund therefor.

The report and the resolution presented by the chairman of the committee, and the appointment of the committee to carry the pension fund into effect was thereupon adopted.

THE PRESIDENT: The next item of business is the report of the Committee on Enforcement of Law and to Co-operate with the Illinois States' Attorneys' Association, Mr. Oscar H. Wylie, chairman:

MR. OSCAR H. WYLIE: Your Committee on Enforcement of Law and to Co-operate with the Illinois States' Attorneys' Association has had some trouble in getting together for a meeting. Several meetings have been called for, but on account of previous engagements the respective members of the committee failed to respond. Since coming here today, however, we have formulated, brother Deck here of Decatur, and I, for the committee, this report which we desire to submit to you:

We would suggest that our effort in law enforcement would be greatly aided and amplified by proper legislation which would make the judgment of nine men of the twelve constituting a jury, sufficient for a verdict by the jury in all cases excepting capital offenses—murder and treason. We believe this would often prevent mistrials and would more readily mete out justice.

We would also suggest legislation along the line of the people being granted the right of appeal on all questions of law arising on the pleadings in criminal cases.

We also recommend that the judge shall have the right to instruct the jury orally as to the law, and also in the same in-

structions to assist the jury in summing up the evidence. His statements as to the weight of the evidence should be advisory only.

If these needed reforms could be stated in terms of law the enforcement of law could be greatly facilitated.

Respectfully submitted,

O. H. WYLIE,

JESSE L. DECK.

MR. WYLIE: I move that these suggestions be referred to the legislative committee.

The motion was seconded and duly passed.

THE PRESIDENT: The report of the committee to Co-operate With Illinois Society of Criminal Law and Criminology and to Improve the Administration of the Criminal Law, by Judge Barnes, chairman.

REPORT OF COMMITTEE TO COOPERATE WITH THE ILLINOIS
STATE SOCIETY OF THE AMERICAN CRIMINAL INSTITUTE
OF LAW AND CRIMINOLOGY.

May 22, 1916.

To the Members of the Illinois State Bar Association:

Your Committee appointed to co-operate with the Illinois Society of Criminal Law and Criminology and to suggest improvements in the administration of criminal law has simply to report its meeting with the council of said society to arrange a program for a joint session of the two organizations.

At such meeting it was the general opinion that a fuller discussion of the subject "Medico-Psychological Work of the Courts"; was desirable and would engage deep interest on the part of both criminologists and lawyers. It was accordingly agreed to devote the entire joint session to a consideration of the practical phases of that subject. To that end arrangements were made for the reading and discussion of papers thereon by those who have given special study to its practical application to be followed by a general discussion. In view of the limited time for the consideration of other important matters that will be presented by other Committees to this Association, your Committee thought it best to confine its activities to the presentation of this one subject.

Respectfully submitted,

ALBERT C. BARNES,
Chairman of the Committee.

JUDGE ALBERT C. BARNES: The report contains nothing except a statement of arrangements that were made for a joint session of the two societies, and contains no special recommendations, nothing for any particular action.

THE PRESIDENT: The committee reports, and the report is placed on file.

The report of the Committee on Professional Ethics, by Mr. John M. Zane.

REPORT OF THE COMMITTEE ON PROFESSIONAL ETHICS.

To the President of the Illinois State Bar Association:

Your Committee has had under consideration an amplification of the usefulness of this Committee in the way of advising lawyers upon questions of professional ethics. The Committee on Professional Ethics of the New York County Lawyers' Association has had in operation a plan of this kind that seems to have done no little good among members of the Bar in the City of New York. But it should be remembered that the New York County Association covers only the Bar of New York City and is not state wide in its operations, and that its work would be practically of little value were it not supplemented by a Committee on Discipline of that Association. Not only is this true, but its Discipline Committee works in active cooperation and conjunction with the Grievance Committee of the New York City Bar Association, which has done such signal service in ridding the Bar of unworthy members, some of them persons of much power and large practice. In this way results have been obtained by an intelligent division of labor.

I.

We shall first consider what we deem feasible for our Association in the way of activities of this Committee on Professional Ethics, and we shall then offer a plan which will be based upon the experience of the New York County Lawyers' Association.

This latter association formulated and instituted what they call a "Legal Ethics Clinic." An announcement was made to the effect that the Committee was prepared to answer, and would answer questions put to it involving matters of legal ethics. The Committee, under the plan, considers carefully the questions propounded, answers them and publishes the answers. In answering questions the Committee acts only on specific questions submitted *ex parte*, and in its answers bases its opinion on such facts only as are set forth in the question. It

avoids any investigation of facts for itself, and above all the questions put to it must be wholly impersonal, without any specifications of persons, time or place, and no questions submitted or answers made can have or be given a personal application.

An inspection of the questions submitted and the answers made shows that the Committee's exercise of this function is extremely useful, and its work has been widely commended by lawyers and by members of the faculties of law schools.

This Committee advises that an announcement be made by our Committee on Professional Ethics that it is prepared to advise and will answer questions submitted to it in regard to matters involving legal ethics; that the questions must be wholly impersonal, specifying neither time, place nor the person in regard to whom the question is asked; that its answers will be made upon specific questions submitted *ex parte* solely on the facts stated in the questions, and that it will in no case enter into any investigation of facts for itself. For the purpose of securing a dissemination of the announcement, a pamphlet should be prepared containing, first, the code of ethics of the American Bar Association and, second, the announcement hereinbefore mentioned, and should be liberally distributed.

In order to provide for the practical performance of this duty by the Committee, it is suggested that a committee of the size of the present Committee on Professional Ethics would be found to be wholly impractical. The Committee should not consist of more than six members, and, for reasons hereinafter stated, the Secretary of the Illinois State Bar Association should be made *ex officio* a member of and the secretary of this committee of six. This committee of six should be a subcommittee of the Committee on Professional Ethics, should be designated by the President of the Illinois State Bar Association at the time he appoints the full committee, and may be called the Legal Ethics Subcommittee. Three of the members should be from the City of Chicago, two should be from outside of the City of Chicago and these five with the Secretary of the Association would constitute the committee of six. It seems necessary to have the committee so constituted in order to be certain of a quorum at its meetings.

The reasons why the Secretary of the Illinois Bar Association should be secretary of the committee is that the secretary of the committee must be prepared to devote some time to the service and it cannot be expected that any lawyer will render this service gratuitously. The Secretary of the Association is a compensated officer and can command a fund for printing, stationery, mailing and distribution. It will save duplication of officers and expense by a provision for an additional salary to the Secretary for the performance of the duties of secretary of this Committee in communicating with members of the Bar and the public.

The details of the manner of considering the questions submitted and of the meetings of the committee, and of interchange of views upon questions between members of the committee, can be left to be regulated by the Legal Ethics Committee. Both lawyers and people who are not lawyers should be encouraged, by the fullest publicity given to the activities of this Committee, to submit questions for answer by the Committee, the sole limitation upon the questions submitted being that they shall relate to matters of the professional conduct of lawyers.

It is apparent that some safeguards should be thrown around the work of this Committee, since its answers will be published from time to time and will receive the widest publicity.

1. Practices that are obviously improper but petty should not be dignified by publication of the questions and answers to such questions. The publication of answers as to matters that are obviously improper, submitted by ignorant or designing persons, may tend to give the wholly erroneous impression that even conduct obviously improper in a lawyer is debatable.

2. The work of the committee will be resented by a portion of the Bar and attempts will no doubt be made to victimize the committee by the proposal of frivolous questions, propounded for the sole purpose of putting the committee in a false light. Ingenious schemes will, no doubt, be devised to render the committee ridiculous, and the announcement that is made should warn the inferior and dishonest portion of the Bar, whoever they may be, that such practices will not be tolerated.

It may be said that the work of this Committee may have a tendency to establish impracticable standards by the counsels of perfection. But this question may be safely left to the members of the Committee. Its action will be directed by the accepted traditions of a profession that has always been honorable and useful, however badly it has been disgraced and is now being disgraced in particular cases. The Committee will follow the acknowledged principles of legal ethics, which have been put in the form of a code, and it will always be governed by tenets held by the most upright members of the Bar. It will reserve the right to reject and ignore questions frivolous or improper, but it will also recognize that questions, which to some minds schooled in the best traditions of the profession, appear to be frivolous or to call for an obvious answer, sometimes really present serious problems to members of the profession who have been without similar ethical advantages in their training. Almost any lawyer out of his own experience can relate inquiries made of himself, which show that much improper professional action results from either ignorance or inexperience. We may safely dismiss the idea that any impracticable counsels of an undesirable perfection will be given by this Committee,

and most of us will readily admit that perhaps a large portion of the Bar, though not, of course, of our own members, has no need to fear any approach toward perfection in ethical standards.

II.

The work of the Committee which we have outlined above will be of little value unless its work is supplemented by that of a Committee on Discipline. A Committee on Discipline performs a function totally distinct from that of a Grievance Committee. The duty of the Grievance Committee is primarily to investigate complaints that are of such a character that, if true, would result in a prosecution for the disbarment of the offending lawyer. But the great mass of conduct on the part of lawyers which is more or less disgraceful to the profession and results in lowering the standards of professional life, is not conduct that would result in a disbarment proceeding. The conduct of lawyers in advertising for business, not directly but through others is well known. All lawyers know that one of the favorite devices is to secure a person who, for a consideration and as a litigant, writes letters to secure business from other persons similarly situated for the benefit of some particular lawyer who is working through the soliciting individual. The practice of some lawyers of paying what practically amounts to commissions to persons who bring the business to the particular lawyer, is not unknown. The scandal of using the public press in ways that are unethical, both in regard to the merits of a controversy and for the purpose of advertising the lawyer, are favorite tactics of some who, in matters of professional ethics may be called legal morons, victims of an arrested development. The bringing of cases that are intended merely to harass or to injure the opposite party, or to work oppression and wrong, inhibited by the code of ethics, are phenomena in practice not entirely unknown. The brazen attempts of certain lawyers to break their way into existing litigation by representing their power or influence to be great in a particular quarter are scandalous manifestations of legal baseness. These and numerous other matters are not proper subjects for a Grievance Committee, but they are proper to be investigated and remedied by a Discipline Committee. Whether the person who is the subject of discipline belongs to the Association or not, is a matter wholly immaterial, since the effect of discipline will be practically the same. The function of the Committee on Discipline is to disseminate the idea, where it is needed, that a lawyer has not performed his whole duty from an ethical standpoint as long as he has refrained from embezzling his client's money. It can teach that there are numerous other canons of professional conduct which must not be violated.

We suggest that, like the New York County Lawyers' Association, this Illinois State Bar Association should have a Committee on Disci-

pline, with its functions clearly differentiated from those of any Grievance Committee. To the Committee on Discipline all complaints in regard to professional conduct should be referred. If the Committee on Discipline thinks that the matter is one to go to the Grievance Committee, for the purpose of an investigation and a proceeding for a disbarment, it should be referred to the Grievance Committee. But if it is a matter which calls for discipline and admonition, it should be disposed of by the Committee on Discipline. If that Committee desires the advice of its associate Committee on Legal Ethics, by an answer to questions of professional ethics, the question may be submitted to that associate Committee in the regular way. If the Committee on Discipline is satisfied, after an investigation where the accused is given an opportunity to explain, that a particular course of conduct has been violative of legal ethics, although not a subject that would be presentable for disbarment, it should be directed and empowered, in all such cases, to make a communication to the offending lawyer, admonishing him that his conduct has been unethical and pointing out to him in what way his conduct has violated some particular provision of the code of legal ethics. The actions of this Committee will not be public nor will its proceedings be given any publicity, except in a case that is so aggravated as to call for publicity. When that situation arises, the Committee can best discuss and decide how far and to whom the offending conduct is to be made public. An admonition will almost invariably be sufficient, except to brazen and hardened offenders.

We urge the creation of a Committee on Discipline, because the experience of the New York Association has shown that this is a very valuable committee and an indispensable adjunct to the Legal Ethics Clinic, which it is proposed to institute. There is no sense in offering advice and answering questions if this Association is too faint hearted to enter upon the duty of disciplining lawyers, regardless of the potency that such practices have given unprofessional lawyers.

In order to secure a proper working of the functions of the two committees, it is suggested that the other half of the Committee on Professional Ethics should be constituted a Committee on Discipline, and that the Secretary of the Association should be *ex officio* the Secretary of the Committee on Discipline.

III.

The work of a Grievance Committee should be left to the local Bar Associations as it now is. The Chicago Bar Association has devoted both time and money to this work and it has a fund for the purpose. The State Bar Association should be in active cooperation with the local bar associations, so far as concerns the work of their Grievance Committees, and all matters involving questions of prosecution before

courts of lawyers should be referred to the Grievance Committee of the local Bar Association, or to a Committee of the local Bar.

Your Committee during the past year has received but one communication regarding the conduct of any member of the Bar and that matter was of such a character that it involved no relation with a client, but simply a feeble minded method of advertising a book. The matter has been ignored by this Committee.

IV.

Your Committee has not been unaware that it may be suggested that the work of a Clinic of Legal Ethics and of a Committee on Discipline should be better performed by a local Bar Association. But after considerable thought devoted to this question, we are of the opinion that the work will be better performed by the State Bar Association, so far as answers to questions involving legal ethics and matters of admonition and discipline are concerned. There is no reason why the work of the Illinois State Bar Association should not be brought into close connection with the work of the local Bar Associations, especially the Chicago Bar Association, and that the work of the Committees of one association should supplement the work of the other associations. If the local Bar Associations should be notified that the State Bar Association was performing work of this character, there seems to be no question but that the local Bar Associations would assist in the work, and by reference of matters to the Committee on Legal Ethics or Discipline of the Illinois State Bar Association, assist their own work and advance the activities of the State Bar Association.

Respectfully submitted,

JOHN M. ZANE,
Chairman.

MR. JOHN M. ZANE: The report consists of two recommendations. The recommendations are based upon the experience of the Committee on Professional Ethics of the New York County Lawyers Association. No doubt many of you have noticed in the Illinois Law Review the published answers made by the committee of that association of New York County lawyers to questions involving matters of professional ethics that were propounded to that committee and which are answered by the committee. Those answers are all published and they appear in the Illinois Law Review.

Now, in accordance with the experience of this committee, this report suggests two things. First, that a portion, one-half,

of the Committee on Professional Ethics be designated by the President of the Association a committee for the purpose of answering the questions that may be propounded to them by any person, whether a member of the Association or not, in the form of the Legal Ethics Clinic which has been used by the Association in New York County.

The other part of the recommendation consists of the supplementary provision that the other half of the committee should be constituted a committee on discipline.

Most of the infractions of rules of professional ethics, are matters that can not be referred to the Grievance Committee. The Grievance Committee entertains matters for the purpose of disbaring a member of the bar, but the discipline committee would direct its attention to those matters of the infractions of the canons of professional ethics which do not call for disbarment, which are matters of a confidential character and where an admonition would ordinarily be sufficient.

The committee also reports that it has considered the question as to whether this work would not better be done by some local committee, but finds it would probably better be done by the Illinois Bar Association committee, and it makes certain recommendations that ought to be followed in order to avoid some of the difficulties that may be met by the committee in the performance of its duties, and those matters are taken from the experience of the New York County Lawyers Association.

Mr. President, I move that the report be received and the president be instructed to act in accordance with the recommendations of the committee.

THE PRESIDENT: Involving the creation of the Committee on Discipline, and the other matters?

MR. ZANE: Yes.

The motion was thereupon duly passed.

MR. LEE: In connection with the work of the Committee on Professional Ethics, if in order at this time, I desire to submit this motion, which I will ask the secretary to read for your information.

The secretary read the motion, as follows;

Moved, that the Committee on Professional Ethics be, and is hereby, instructed to prepare for the consideration of this Association, Canons of Judicial Ethics, and to report the same at the next regular meeting of the Association.

The motion was seconded.

MR. ZANE: Allow me to ask, if I may, what is meant by Canons of Judicial Ethics?

THE PRESIDENT: I will ask the mover of the motion to explain the motion. Mr. Lee:

MR. LEE: I assume that there are ethics that do or should govern occupants of the bench, similar to the professional ethics guiding those who are engaged in the practice of the law.

MR. ZANE: Well, Mr. President, I hope this resolution will not be passed. I would hate to see this Association putting itself in the position of laying down a set of rules for the judges to follow in their conduct on the bench. It would be the most presumptuous thing I have ever heard of in my life, and I do not think anybody ought to vote for it.

THE PRESIDENT: Gentlemen, you have heard the motion.

MR. ZANE: As a substitute, I move the reference of that resolution to the appropriate committee of this Association.

THE PRESIDENT: To the Judicial Section, of which Chief Justice Farmer is Chairman?

MR. ZANE: Yes.

THE PRESIDENT: Perhaps the mover of the motion will withdraw it. Do you desire to have the motion put in the original form?

MR. LEE: Yes, I move the adoption of the motion.

THE PRESIDENT: As originally—

MR. LEE: As originally presented.

THE PRESIDENT: And the substitute is that it be referred to the Committee on Judicial Section, of which Chief Justice Farmer is Chairman. Is there a second to the substitute?

MR. GRAHAM: I second it.

The substitute motion was thereupon passed.

THE PRESIDENT: The next item is the report of the Committee on Arranging for a Bar Primary, Mr. Rudolph J. Kramer, chairman.

To Honorable Nathan William MacChesney, President, and Members of the Illinois State Bar Association:

The committee to arrange for bar primary when district in which Judge is to be elected is larger than a single county, beg leave to report that during the tenure of office of this committee there has been in this State no judicial election in which the district was larger than any single county and consequently, there have been no duties for this committee to perform during the year.

This committee, however, feels that this is a subject that merits the consideration of this Association and recommends that a like committee should be appointed in succeeding years to take care of this matter when occasion arises.

Respectfully submitted,

RUDOLPH J. KRAMER,
Chairman.

The report was duly adopted.

THE PRESIDENT: The report of the Necrologist, Mr. Thomas Dent:

The report is as follows:

NECROLOGIST'S REPORT.

To the Illinois State Bar Association at Its Annual Meeting in June, 1916.

The list of deaths to be reported embraces 29 names of members of this Association. In an alphabetical order, such names are as follows:

Francis Adams of Chicago.
Charles L. Allen of Chicago.
William H. Barnum of Chicago.
Jesse Billings Barton of the Chicago bar.
Abraham Miller Brown of Galesburg.
Isaac A. Buckingham of Decatur.
Eugene M. Bumphrey of Chicago.
William F. Bundy of Decatur.
Bernhard S. Cooper of Chicago.
Josiah Cratty of Chicago.
J. McCann Davis of Springfield.
Henry S. Earley of Sycamore.
Monroe Fulkerson of Chicago.
Frank Pliny Graves of Chicago.
John J. Herrick of Chicago.
Elmore W. Hurst of Rock Island.
John W. Keeslar of Danville.
Edmund S. McDonald of Decatur.
James Henry Martin of Murphysboro.
Mark Meyerstein of White Hall, Ill.
Frank B. Pease of the Chicago bar.

Louis J. Pierson of the Chicago bar.
Charles G. Rose of Chicago.
Albert T. Summers of Decatur.
Robert Tilton of Jacksonville.
James W. Tracey of Toluca.
Max H. Whitney of Chicago.
William H. Williams late of the Franklin Co. bar.
Benson Wood of Effingham.

Their birthplaces as to States or Countries were as follows:

One was born in Ireland, two in New York, one in Ontario, Canada, ten in Illinois, two in Ohio, four in Michigan, one in Russia, two in Wisconsin, one in Virginia, in a part which is now West Virginia, two in Indiana, one in Scotland, one in Pennsylvania, one in Prussia.

The Memorial Sketches herewith returned give the dates of birth and death and a few other biographical items.

The senior in years was Judge Adams, who was over 86 years in age, and next in order of those who were above seventy years of age were Mark Meyerstein, Benson Wood, Judge Barnum, Isaac A. Buckingham and John J. Herrick. Mr. Herrick was in his 71st year.

The birthplace of Albert T. Summers was Paris, Edgar County, Illinois.

The memorial sketch of J. McCan Davis is contributed by James H. Matheny, of Springfield.

Chicago, May 31, 1916.

Respectfully submitted,

THOMAS DENT,

Necrologist.

MEMORIAL SKETCHES IN AN ALPHABETICAL ORDER.

FRANCIS ADAMS, of Chicago, died December 27, 1915. He was a native of Enniskillen, Fermanagh County, Ireland, and was born March 26, 1829. He was the eldest of twelve children of John and Alice (McCallon) Adams who migrated to the United States about 1841. He is survived by a brother, The Right Rev. William Forbes Adams, Episcopal Bishop, residing at Easton, Maryland. The Bishop is nearly four years the junior of the elder brother Francis.

The latter, who is the subject of this sketch, was well and carefully trained and educated. He was admitted to the bar at Clarksville, Tennessee, in 1855, and soon after his removal to Illinois was admitted to the Illinois bar October 12, 1855. After having been in practice in Chicago for a few years, he was for a time in Peoria, associated with the late Judge Marion Williamson of that City, under the firm name of Williamson & Adams, but returned to Chicago to

re-engage himself in professional work there, in which he rendered long and valuable service, not only in a general practice but as a City Official and as a Judge. He was City Attorney for a term of two years and assistant to the Corporation Counsel for a number of years, under different City administrations, and was Corporation Counsel for the City under the elder Mayor Carter H. Harrison. He became a Judge of the Circuit Court of Cook County in June 1891, and held that office eighteen years, having been re-elected twice. During the major part of his service as Circuit Judge he was assigned to and sat in the Appellate Court for the First District, as one of the Judges of that Court, or as Presiding Justice of the same.

His services, not only as a City Official before he took his place on the bench, but afterwards as a Judge, were conspicuously valuable. With intentness of application, and directness and firmness of purpose, and clearness of conception and understanding, he applied the law to the cases in which he sat, and earned a high reputation. His reported Opinions in the Appellate Court will be found in Vol. 72 Ill. Appellate and succeeding volumes.

He married Miss Maryette Chase. Her death preceded his own. Their surviving children were a son, Francis Adams, Jr., who is an attorney, and a daughter, Mrs. Florence Adams Dobson.

51 National Corporation Reporter, at p. 827, has a likeness of Judge Adams, which is good.

CHARLES L. ALLEN, a member of the well known firm of Herrick, Allen & Martin, in Chicago, died February 11, 1916, from an attack of pneumonia. The death of Mr. John J. Herrick, his senior partner, had occurred only thirteen days earlier from the same disease.

Mr. Allen was born in Kalamazoo, Michigan, October 22, 1849. His father, Dr. J. Adams Allen, was a professor in Rush Medical College in Chicago for many years, and before his death, was President of that Institution. Mr. Allen was admitted to the Bar January 4, 1878, and in the next year became a member of the firm of Dexter, Herrick & Allen, a firm which succeeded that of Walker, Dexter & Smith. Mr. Horace H. Martin is a surviving member of the firm as last organized. In its connections, embracing in business lines, the professional work of Mr. James M. Walker, the firm has been one of the oldest and best established law firms, reaching back for a period of at least sixty years, when Mr. Walker was of the firm of Sedgwick & Walker.

For a period of more than thirty-seven years, Mr. Allen was engaged in the active practice of his chosen profession. He was a valued counsellor and as such, he gave active support to his firm in presenting complex and important questions to all the courts and the tribunals of last resort. Not only was he a capable lawyer but

he was a man of real worth and fine high character. His life had a distinct effect upon all those with whom he came in contact and was a fine example of a practicing lawyer with high ideals and standards.

Mr. Allen was active in public and philanthropic work, as well as in the practice of the law. He had been a director of the Chicago Relief & Aid Society and its successor, the United Charities, over thirty years. He was one of the founders, and had been Secretary, of the Civic Music Association of Chicago. He was held in high esteem socially, and had a large circle of warm and steadfast friends. He is survived by his widow, Lucy E. (Powell) Allen, and also by a daughter, Miss Dora Alice Allen.

WILLIAM H. BARNUM, of the Chicago bar, died at his residence in Riverside, Illinois, December 10, 1915. He had a stroke of apoplexy a few weeks before his death. He was a son of Charles and Harriet (Rogers) Barnum, and was born in Onondaga County, New York, February 15, 1840. The family removed to Belleville, Illinois, when he was quite young, and he attended the public schools there, and the Normal School at Ypsilanti, Michigan, and was a student at the University of Michigan until his junior year in the University. Afterwards he was enrolled as a graduate of that University and received from it an honorary degree. He studied law while in the office of George Trumbull, then of Belleville, Illinois, and afterwards of Chicago, and was admitted to the bar August 4, 1862. He was in practice at Chester, Illinois, 1862-67. In the latter year he removed to Chicago. He was of the firm of Nissen & Barnum, and later of Harding, Nissen & Barnum, 1876-8, and with Cornelius Van Schaack, 1878-9.

In 1879 he was elected a Judge of the Circuit Court of Cook County. He served in that office until his resignation of the office December 1, 1884. At the Judicial Election held June 7, 1903, he was one of the Democratic nominees for the same office, but he with two other nominees of his party failed in the election. (35 Chicago Legal News, 352).

After his retirement from the bench he was for a time a member of the law firm of Barnum, Rubens & Mott. Lynden Evans was also a partner of Judge Barnum for some years, and the Judge's son Albert W. Barnum was associated with the father in practice until the death of Albert in 1903. The widow and three daughters and a son, Harry H. Barnum, who is a lawyer, survive Judge Barnum.

An address which Judge Barnum delivered in December 1888, in memory of his preceptor George Trumbull is interesting. It will be found in 21 Chicago Legal News, p. 143.

Judge Barnum observed high ideals in his career as a lawyer and as a Judge.

JESSE BILLINGS BARTON died at his home in Hinsdale, Illinois, April 18, 1916. He was born at Demorestville, Ontario, Canada, May 28, 1850; was a son of Samuel E. and Philana A. (Billings) Barton, and was a graduate of Albert College, Belleville, Ontario, which gave him the degree of A. B., in 1873. He came to Chicago in that year, and was engaged as a school teacher, and as a clerk in law offices and in the Superior Court Clerk's office, and was admitted to the bar January 8, 1876. He was Assistant Corporation Counsel of Chicago, October 1876 to July 1879, and again August 1894 to July 1895; assistant attorney for the South Park Commission February 1881 to November 1885; attorney for the Chicago & Great Western Railway Co. November 1885 to January 1, 1888; practiced law at Salt Lake City and Ogden, Utah, November 1889 to November 1892. Returned to Chicago at the latter date, and after November 1, 1899, was General Attorney for the Chicago Terminal Transfer Co., a Director for that Company, and a Director for the Wisconsin and Michigan Railway Co., and President of the Lake Michigan Car Ferry Transportation Co. For some years past, he has been Counsel in Chicago for the Baltimore & Ohio Railroad Co.

He married Ella R. Wilcox, of Point Peninsula, N. Y., February 5, 1879. Her death occurred July 18, 1880, leaving one daughter, Ella W. Barton. Mr. Barton married secondly at Brooklyn, N. Y., Lucy E. Thomas, widow of Joseph P. Bonfield, and she survives Mr. Barton with their children, Jesse A. Barton, Jr., Walter L. Barton and Lucy A. Barton.

ABRAHAM MILLER BROWN, of Galesburg, was born in Rio Township, Knox County, Illinois, on October 4, 1846. He died at his home in Galesburg the 26th day of May, 1915. He attended the common schools and later entered Lombard College, Galesburg, graduating in the class of 1870. Three years later he received the Master's Degree in the same institution. After leaving college he was principal of the Galesburg High School for a number of years. While teaching school he took up the study of law and was admitted to the bar on October 12, 1871.

He was associated for a number of years in the practice of law with Judge George L. Lanphere and also had for associates in the practice the Hon. F. F. Cook and J. J. Welsh.

In politics Mr. Brown was a democrat and served one term in the Illinois Legislature, from 1876 to 1878. He was always active in the party, but never aspired to any other public office.

As a lawyer Mr. Brown ranked with the best lawyers of the bar in central Illinois. He had a deep knowledge of law and made a thorough study of his cases. He was especially effective before a jury. He was an able speaker and was, moreover, well versed in literature, and his mind was full of reminiscences of his home local-

ity. His brother attorneys recognized him as a man of large capabilities.

Mr. Brown was never married. He was the son of Samuel Brown and Elizabeth Miller Brown. He was a member of the Masonic Fraternity. Mr. Brown was liberal in his views on religious matters and attended the Universalist Church. For many years he was a member of the Board of Trustees of Lombard College.

ISAAC A. BUCKINGHAM, of Decatur, died August 8th, 1915. He was suddenly stricken with death, probably from heart disease, while he was sitting on the porch of his residence in the evening. He was born July 25, 1840, in Hamilton County, Ohio, and was reared on a farm. His education was in part at Farmer's College, a few miles north of Cincinnati. He studied law with Tilden and Caldwell in Cincinnati and in the Union College in that City, and was admitted to the bar in April 1863. He came to Illinois in that year after consulting with the late Gen. Mason Brayman of Illinois, whom he had met in Cincinnati while Gen. Brayman was there on military duty. He was admitted to the Illinois bar Jan. 12, 1864. For about seven years he was a partner of Joel S. Post of the Macon County bar. He was City Attorney of Decatur, 1872-9, and in November 1876 was elected States Attorney for Macon County, and served in the latter office four years. Chas. E. Schroll was for a time associated with him in the law practice, and James M. Gray was his partner from June 1905 until the death of Mr. Gray in 1912; after which event Horace W. McDavid became a partner of Mr. Buckingham, and in April 1915, Ralph J. Monroe became a member of the firm. Mr. Buckingham was a leading citizen of Decatur, public spirited and kind hearted, and had many friends.

EUGENE M. BUMPHREY, of the Chicago bar, died Dec. 24, 1915. He was born in Allegan County, Michigan, September 15, 1871. His parents were Marvin H. and Rowena S. Bumphrey, who removed to Three Rivers, Michigan, in 1877. Eugene was graduated from the Three Rivers High School in 1887, and was employed for two years in the machine shop of Roberts, Throp & Co., at Three Rivers. He entered the University of Michigan in 1889, and was graduated therefrom in 1893. He represented Roberts, Throp & Co. at the Columbian Exposition in Chicago in 1893. He was admitted to the bar in Michigan in that year, and to the bar of Illinois January 11, 1894, and continued in practice until the time of his death.

WILLIAM F. BUNDY, of Centralia, Illinois, died January 9, 1916. His death resulted from cerebral hemorrhage following a fall in his home the Saturday night before his death. He was serving as First Vice President of this Association. He was born in Marion County, Illinois, June 8, 1853, and was a son of the Rev. Isaac and Amanda M. Bundy. His common school education was supplemented by a

course of study at the Southern Illinois Normal School at Carbondale, Illinois, and he was afterwards a student and assistant in the office of W. & E. L. Stoker, at Centralia, until admitted to the Illinois bar June 14, 1887. He served as City Clerk of Centralia and was also City Attorney there. He was a representative in the 42nd and 43rd General Assemblies of Illinois, 1900-04. He was a member of the Republican State Central Committee for the 23rd Congressional District, 1906-08, and was president of the Board of Trustees for the Southern Illinois State Normal School, his *alma mater*. He had also been closely identified with local educational interests in Centralia; was on the Public Library board in that city and president of the Centralia Township High School, and he was one of the Directors and Attorneys of the Merchants State Bank for a number of years. He was a prominent member of the County Bar Association of Clinton County. He was a candidate for the office of a Judge of the Supreme Court at the judicial election in his District in 1915, at which election Hon. William M. Farmer was the successful candidate for re-election.

Mr. Bundy was married May 7, 1890, to Mary E. McNally, who survives him. One son, Donald H. Bundy, died at an early age and three other children of this marriage, survive the father, namely, Dorothy E. Bundy, Sarah Pauline Wham and Margaret Bundy. Mr. Bundy's partner, Mr. Charles Wham, was his son in law.

Mr. Bundy was prominent as a lawyer and in public affairs, and in the various fraternal and other societies with which he was concerned.

An interesting, though brief Address which he made at the Annual Meeting of this Association in 1908, on "Ethics of the Bar," will be found in the Proceedings for that year, Part I, p. 81.

BERNHARD S. COOPER, of the Chicago bar, died August 7, 1915. He was born in Odessa, Russia, December 19, 1870, and was graduated from a business college there in 1888. He went to Budapest, Hungary, and there took a course of study in a College of Music, specializing in the flute, and remained in that city about three years before returning to Odessa. He came to Chicago in November, 1898 and practiced his profession of music until he took up the study of law. He was graduated from the Northwestern University Law School in 1908, and was admitted to the bar October 7, 1908, and was in practice until the failure of his health some months before his decease, and was for a time legal adviser of the Russian Consul in Chicago. He underwent an operation at the German Hospital in Chicago, August 7, 1915, and did not rally from it. He was not married. He left one sister, Mrs. Pefer J. Pullman, of Chicago.

JOSIAH CRATTY, of the Chicago bar, died at St. Luke's Hospital in that City August 11, 1915. His home was at Riverside, Illinois. He was born in Delaware County, Ohio, August 16, 1846, and was a

son of William and Candis (Bennett) Cratty, who with their family removed to Knox County, Illinois, in 1853. At the time of his death, Mr. Josiah Cratty was the senior member of the firm of Cratty Brothers & Flatau. When in his early years he shared a farmer's life, he attended the neighboring schools for elementary and to some extent high school instruction, until in 1864 he enlisted for service in the Union cause in the Civil War, as a private in Company L, 5th N. Y. Cavalry, Custer's Corps, in which service he was engaged with marked credit until discharged at Winchester, Va., in 1865. Returning to Illinois, he was a school teacher for a time, but in March 1869 entered the law office of an elder brother, the late Thomas Cratty, in Peoria, and having passed an examination, was admitted to the bar January 5, 1872. He then entered upon the practice of law in Peoria, and afterwards was associated with Mr. Thomas Cratty under the firm name of Cratty Brothers. After his removal to Chicago in March, 1884, the firm name of Cratty Brothers was continued, though at first as in Peoria, with seniors. In his professional work he paid special attention to collections and the law of corporations.

He was married to Miss Libbie M. Fearing in 1875. She died in 1886. Some years afterwards he married Miss Kate E. Jabson, who survives the husband as do two children by the first marriage, namely, Paul J. Cratty and Theo. Candis Cratty.

J. McCAN DAVIS, of Springfield, Illinois, died suddenly of hemorrhage of the brain, on May 11, 1916. He was born in Banner Township, Fulton County, November 19, 1866. Early in life he evinced an ability for literary work. At the age of eleven years he wrote his first article for the *Youth's Companion*. At the age of eighteen years he was editing a Canton paper, teaching stenography, which he had taught himself, in a night school, and acting as a reporter for the Fulton County Circuit Court. In the fall of 1888 he moved to Springfield and became actively engaged in newspaper work. Alexander J. Jones, the manager of the Bureau of the Associated Press at that time, appointed him as his assistant. It was said no member of the assembly could talk so rapidly but that he could accurately report the speech. After Mr. Jones resigned Mr. Davis became manager and remained so for a number of years.

On February 4, 1895, he was admitted to the bar, standing second in a class of twenty-eight applicants. He practiced law for some time but never fully deserted his first love in Journalism. In 1897 Gov. John R. Tanner appointed him Secretary of the State Board of Arbitration. Subsequent to this appointment he drafted all the laws and amendments pertaining to arbitration until he resigned his office. It was said by a member of the legislature that he drafted more laws and amendments for the members to introduce in the legislature than any one man in the State. He was not only a student of Lincoln

but also of Senator Douglas. He had the manuscripts to publish in the future the life and history of the "Little Giant of Illinois," which was to be the most elaborate work ever issued on the history of this great statesman.

Mr. Davis was instrumental in getting the collection for the Illinois State Historical Library of "Lincolniana" especially documents and letters written by Lincoln. While in Springfield he was editor of the Springfield Evening News for a time and in 1908 was elected clerk of the Supreme Court, an office which he held for a term of six years. Two years ago he was a Republican candidate for the office of Congressman-at-large.

Mr. Davis leaves surviving him his wife, who before her marriage was Miss Florence Packard, his father M. L. Davis, two brothers, Joseph A. of Glasford, Illinois, and Dr. Delmer L. of Omaha, Nebraska, and two sisters, Mrs. Mary Ramsey of Norris and Mrs. Anna Hickey of St. Charles.

HENRY S. EARLEY, of Sycamore, Illinois, died January 24, 1916. He was born in Poynette, Columbia County, Wisconsin, July 15, 1859. His parents were Charles and Lucy Earley. He was graduated from the High School at Lodi, Wisconsin, in June 1877, and from the Jennings Seminary in Aurora, Illinois, in 1883, and pursued law studies in the office of Carnes & Duntun in Sycamore, Illinois, and was admitted to the bar October 8, 1889. He was elected States Attorney for DeKalb County in 1892 and was re-elected in 1896, and served in that office two terms. He was associated with Joseph H. Stephens, under the firm name of Stephens & Earley for about ten years, from 1900. He was a member of the School Board for twenty-three years, and was an Alderman of Sycamore for two terms.

MONROE FULKERSON, of the Cook County bar, died Feb. 22, 1916. He had sometimes been known as James Monroe Fulkerson; was a son of Charles T. and Virginia Fulkerson, and was born at Marion, Ill., Feb. 23, 1867. His primary education was partly at Gainesville, Texas, and partly in Chicago. He was graduated from the Kent College of Law in Chicago, in the class of 1896, with the degree of LL.B. A like degree was also conferred upon him by the Chicago Law School in 1898. He was admitted to the bar June 10, 1896.

In his practice, he had an association for a time with Barger & Hicks of Chicago; also with Frank A. Dean, now of Charlotte, Mich.

He did some services as assistant for a time in the office of the Corporation Counsel of Chicago, and as a Lecturer on Insurance Law in the Chicago Law School.

He was married in 1899 to Jessie A. Riley who survives him with their five children, namely, Stanley Monroc Fulkerson, Muriel Fulker-

son, Jessie Fulkerson, Marshall Fulkerson and Helen Bernice Fulkerson.

Mr. Fulkerson's mother also survives him. He was much interested in the Masonic Order. While he took a generous and kindly interest in public affairs, he was much attached to his family.

FRANK PLINY GRAVES, of the Chicago bar, died July 8, 1915, at his home in Lake Forest, Illinois. He was born at Grand Rapids, Michigan, June 27, 1871, and was a son of John B. and Frances E. (Greene) Graves. He was graduated from the Grand Rapids High School, and also the University of Michigan, Class of 1893, and received the degree of LL.B. from that University in 1895. He was licensed as an attorney in Illinois June 6, 1901. He married Miss Lucy Crawford of Chicago, a daughter of the late Andrew Crawford, January 4, 1899. He was a captain in the 33rd Michigan Volunteers in the campaign against Santiago in 1899, and was commissioned as Colonel of Michigan N. G., 1900.

JOHN JACOB HERRICK, of the Chicago bar, died January 29, 1916. He was born at Hillsboro, Illinois, May 25, 1845, and was a son of Dr. Wm. B. and Martha (Seward) Herrick. His great grandfather, Jacob Herrick, was an officer in the Continental Army and one of Washington's Adjutants. John J.'s father was a professor in Rush Medical College; the first demonstrator of anatomy. John J. prepared for college at the Lewiston Falls Academy, Auburn, Maine, and was graduated from Bowdoin College in 1866. He taught school in Hyde Park (now in Chicago), 1866-1867. He was a student in the Union College of Law and also in the office of Higgins, Swett & Quigg in Chicago. He was the valedictorian of his class on graduating from the law school. He was with Higgins, Swett & Quigg until 1871, and was admitted to the bar, June 24, 1871, and was afterwards in practice individually until 1880, when he became a partner of Wirt Dexter. The firm, somewhat later, became known as Dexter, Herrick & Allen, and was continued until the death of Mr. Dexter in May, 1890. The late I. K. Boyesen, became a member of Mr. Herrick's firm in May, 1893, and Horace H. Martin was admitted into membership of the firm in 1896. Since Mr. Boyesen's death, the firm has been known as Herrick, Allen & Martin.

Mr. Herrick was a man of fine presence, and remarkable industry and capacity. He was called upon to present and argue causes of the greatest importance in the legal tribunals of the country. He easily ranked among the leaders, not only of the Chicago bar, but of the entire nation. In his professional life, he stood for the highest ideals and was of that fine high type of American lawyer of which we are all so proud.

He was recently (1915-1916) President of the Chicago Law Institute, and had also been President of the Chicago Bar Association.

His wife, Mrs. Julia B. Herrick, nee Julia T. Dulon, died in 1914. Three daughters, namely, Mrs. Arthur Havemeyer of New York, Mrs. Donald M. Forgan and Julia T. Herrick, survive the father and mother.

ELMORE W. HURST, of Rock Island, and a member of the firm of Jackson, Hurst & Stafford, died July 21, 1915, at his home in that city. He was a son of William and Anna (Hurlock) Hurst, who were natives of Delaware. He was born at Rock Island, Dec. 6, 1851. His father came to that city in 1837 and for many years was a leading merchant.

Elmore obtained his early education in the public schools of Rock Island and began his business career as a bookkeeper in a bank in that city of which he afterwards was cashier for eight years. He began reading law with the late Judge William H. Gest. He was admitted to the bar June 12, 1883, and worked independently for a time until he formed a partnership with Adair Pleasants. After the dissolution of that partnership he practiced his profession alone for some years, but in 1891 became a partner of William Jackson, under the firm name of Jackson & Hurst, and some years later John T. Stafford and Elmore H. Stafford became junior members of the firm.

Mr. Hurst was highly honored as a professional and business man, and was very influential in public affairs. He was a member of the General Assembly of Illinois in the 36th and 41st General Assemblies, (1888-90, 1898-1900). In 1896 he was a candidate for Presidential Elector on the Democratic ticket. He was otherwise unusually active in the affairs of the Democratic party at various times, and was recognized as a leader. He was held in high regard.

In noticing his death the Rock Island Argus of July 21st, 1915, published his likeness and referred to him as a leading son of that city, and after mentioning various matters connected with his career, stated that "In business, in politics and socially he was a leader, and one whom others were glad to follow."

JOHN W. KEESLAR, of Danville, Illinois, died November 20, 1915. He had been a hospital patient for a short time, and had submitted to a surgical operation, and was expected to recover, but died suddenly.

He was born in Pilot Knob Township in Vermillion County, Ill., August 24, 1864, and was the eldest son of Charles W. and Sarah Keeslar. He was a pupil in the public schools, and later was graduated from Union Christian College at Merom, Indiana, and also was a student for a time in the University of Illinois, and was a graduate of the Law Department of the Illinois Wesleyan University at Bloomington, Illinois. He was admitted to the bar June 16, 1888, and entered upon his professional career at Danville. He was married in 1891 to Miss

Effie Sandusky, and she survives the husband, with their daughter Effie Keeslar.

Mr. Keeslar was States Attorney of Vermillion County during two terms, 1900-1908, and performed the duties of that office with marked ability, and in his practice in his own county and in other counties he was deservedly distinguished.

A meeting of the Vermillion County Bar Association was called upon the death of Mr. Keeslar. It was addressed by various members, and adopted a Memorial fitly eulogizing him as having been a strong factor in the political, social and civic life of Vermillion County; and sincere sympathy was extended to his aged parents, his wife and daughter, and other relatives.

He was at the time of his death Chairman of the Republican Committee of Vermillion County.

EDMUND S. McDONALD, of the Macon County Bar, died at his home in Decatur, Illinois, on the 19th day of October, 1913. Of Scotch ancestry on the paternal side, he was born at Sisson's Landing in Wood County, Virginia, now West Virginia, September 2, 1851; and was a son of John W. and Nancy L. (Sisson) McDonald. Two years later the parents of our subject moved to Illinois.

Edmund S. McDonald was educated in the public schools; and for two years was engaged in teaching. However, his mind was attracted to professional lines; and for three years he read law in the office of Nelson & Roby, of Decatur. He was admitted to the Illinois bar in 1880, and in May of that year opened a law office in Decatur. He soon demonstrated his ability as a lawyer; and became identified with many important legal causes in central Illinois, and in his practice during thirty-three years was a safe and successful lawyer. In 1891 he was admitted to the Bar of the United States Supreme Court.

He was married September 28th, 1891, at Decatur, to Annabelle Thomas, who survives the husband, with their two children, namely, Edmund U. McDonald and Valerian McDonald.

Politically, Mr. McDonald gave his support to the Republican party; and for many years was recognized as a power in the politics of Macon County. In 1889 he was elected city attorney of Decatur, and at the expiration of his term was re-elected to the same office, serving four years in all. In the spring of 1907 the voters of Decatur elected him as Mayor of their city.

Mr. McDonald had always warm friends; and but few enemies.

JAMES HENRY MARTIN, of Murphysboro, dropped dead August 11, 1915, at West Baden, Indiana. He was a native of Ripley County, Indiana, and was born October 18, 1852. His parents, William and Caroline (Behymer) Martin, removed from their farm in Indiana to Illinois when James was 12 years of age, and he attended the common schools in Richland County, Illinois. At the age of 21 years he began

teaching school, and he was thus engaged for some years. He began the study of law under the direction of Judge Preston of Olney, Illinois, but in 1879 entered the law department of the University of Michigan and in 1880 received from that University the degree of LL.B. He was admitted to the Illinois Bar, May 8, 1880. He removed to Murphysboro in the fall of that year, and in 1881 became a partner of G. W. Hill, which relation continued until the death of Mr. Hill.

Mr. Martin married Elizabeth W. Kennedy November 13, 1888. Her tragic death, from being murdered, July 30, 1915, was much lamented. The execution of the murderer occurred since Mr. Martin's death.

Mr. Martin had charge of important interests in his practice as a lawyer, and was highly respected in the community and by fellow members of the bar. He was modest yet firm in the discharge of duty.

MARK MEYERSTEIN, of White Hall, Greene County, Illinois, died April 22, 1915. He was born at Murawano Goshlin, in the Province of Posen, Prussia, October 27, 1836. He had a student's work and training in the gymnasium of Posen, and was graduated in the "Real Schule" in Meseritz, Germany, in 1853. He came to the United States in 1854 and after spending a short time in New York went to Simpsonville, Kentucky, and was there employed as a salesman. Like employment came to him the next year in St. Louis until 1860 when he became engaged in mercantile business at Scottville, Illinois. In September 1863 he removed to White Hall and became a merchant there. In 1865 he removed to Carrollton, Illinois. In 1866 he returned to St. Louis to engage in the wholesale clothing business. After being in that business a year he returned to White Hall, and for two years was engaged in the retail dry goods trade. Meanwhile he studied law. He was admitted to the Illinois bar September 21, 1867, and began work as a lawyer in 1869. He was a Presidential elector in 1882, representing the 12th Congressional District in the election of Cleveland and Hendricks as President and Vice-President, and was States Attorney of Greene County, by appointment from May 8, 1914, to November 12, 1914, filling the vacancy in that office which occurred when Norman L. Jones became Circuit Judge. He was a fine linguist and a skilled musician. Hon. Thomas Henshaw was his law partner for six years. Mr. Meyerstein made quite a study of drainage laws in his work as a lawyer. His wife and four children survive him. The wife was formerly Miss Hettick, a daughter of Perry and Sarah Hettick of Macoupin County, Illinois, and the children are Mrs. J. F. Porter, Dr. W. H. Meyerstein, Mrs. H. V. Greene and Mark Meyerstein, Jr., City Attorney of Granite City, Illinois.

Appreciative eulogistic and biographical addresses with reference to Mr. Meyerstein were made by Hon. H. T. Rainey, Hon. J. M. Riggs

and Judge Thomas Henshaw at the funeral in White Hall, and gave high testimony that the deceased was a man of integrity, character and purpose, having the gifts of perseverance, eloquence, cheerfulness and tact.

FRANK B. PEASE, of the firm of Atwood, Pease & Loucks, in Chicago, died at his home at Berwyn, Illinois, June 26, 1915, after an illness of some months. He was a son of Ephraim and Cynthia (Beardsley) Pease, and was born at Crystal Lake, Illinois, Sept. 13, 1864, and spent his early days on his father's farm, and attended the public schools at Crystal Lake. At the age of 21 he entered the Northwestern University Law School, then known as the Union College of Law. He was graduated from that school, and was admitted to the Bar June 14, 1887. He had early legal experience in the office of Jesse A. Baldwin, now one of the Judges of the Circuit Court of Cook County. He was married May 9, 1889, to Emily A. Appleton of Chicago, who with their five children survived him. He took up his residence in Berwyn in May 1891, and in that year formed a law partnership with Willard M. McEwen, which continued until Judge McEwen became first assistant States Attorney in 1897. The law firm of Mr. Pease was afterwards Atwood & Pease, and for sometime before the death of Mr. Pease was as is given in the outset of this sketch.

In volume 50 of the National Corporation Reporter, page 857, is a likeness of Mr. Pease, and mention is made of important social activities on his part, and he is eulogized as a born leader of men, not for honor or power, but as one wishing to be useful, and who had optimistic courage and great capacity for practical work.

LOUIS J. PIERSON, of the Chicago bar, died suddenly March 19, 1916. His death occurred while he was about to deliver an address in a church in his home town, Wilmette. He was a son of John C. and Electa (Tucker) Pierson, and was born July 27, 1857, at Partello, Calhoun County, Michigan. In his early education he attended the common schools in that State and in Iowa; his parents having removed to the latter State in 1869. While contemplating or seeking a collegiate education, he taught school in the winter seasons and worked on a farm in the summer. His *alma mater* was Cornell College, Mt. Vernon, Iowa, from which he received the degree of B. S. in 1880 and the degree of M. S. in 1883. He taught in the high school of Webster City, Iowa, one year, and studied law in the office of Judge Miracle and State Senator Kamrar, at Webster City, Iowa. He was married at Mt. Vernon, Iowa, September 7, 1882, to Estella Verden of Waterloo, Iowa. He was admitted to the Iowa bar in January 1882; and practiced law at Webster City, Iowa, three years, and at Cedar Rapids, Iowa, three years, before removing to Chicago. He was admitted to the Illinois Bar September 18, 1888. He served

as President of the Chicago Law Institute one year, and was attorney of Wilmette three terms, and President of Wilmette one term. He was a Representative in the General Assembly of Illinois from the 7th Senatorial District in the 44th, 45th, 46th, 47th and 49th General Assemblies. His great-grandfather was an officer in the American Army in the Revolutionary War. Abraham Pierson, the first President of Yale College, was an ancestor of Louis J. Pierson.

Mr. Pierson was highly regarded personally and professionally. The widow, and two children, Hazel Pierson and Leland Pierson, survive him.

CHARLES G. ROSE, of the Chicago bar, died August 26, 1915. His parents were Lawrence and Esther (Nightingale) Rose. He was born at Elmira, New York, May 18, 1862, and was educated partly in the St. Louis High School and also attended Washington University in that city for a time, and pursued legal studies at the Northwestern University Law School, and was admitted to the bar June 4, 1903. He was connected with Edmund Eldridge in law work until Mr. Eldridge removed to Los Angeles, California. He was made a member of "The Order Of The Coif," in 1910, for high attainments in the study of law; that being a fraternal order introduced into the law department of the Northwestern University. He left a widow, Mrs. Emily M. Rose, and a son and two daughters, surviving him.

ROBERT TILTON, of Jacksonville, Illinois, died April 17, 1916. He was born in that city, which was the residence of his father and mother, Peter Tilton and Mary R. Tilton, November 27, 1865; and his general education was in the public schools, and in Whipple Academy and Illinois College. He was a law student under Isaac L. Morrison and Herbert Whitlock. He was admitted to the bar June 16, 1888. He had a partnership with James O. Priest for about a year, but afterwards practiced law alone. He was appointed U. S. Commissioner in 1892. From 1908 until the time of his death he was State's Attorney of Morgan County. While conducting in the Circuit Court a case for The People, an illness from which he had suffered previously, became so acute that on account of it the court adjourned, and he was taken first to his home and then on the advice of his physician to the Passavant Hospital where he died the same day.

His brethren of the bar united in a strong testimonial as to his fidelity and good character, as a lawyer and public official. A notice in the press highly commended him for his filial affection towards his parents, and kinship to other relatives, and for good traits in general.

ALBERT TROGDON SUMMERS, of Decatur, died February 26, 1916. He was born at Paris, Edgar County, Illinois, December 21, 1857. His parents were Charles and Cynthia M. Summers. He was a graduate of the Decatur High School and of De Pauw University, Greencastle, Indiana; was a law student in the office of A. Y. Trogdon

in Paris, Illinois, and was admitted to the bar September 17, 1880. With his other activities he was prominently connected with the Masonic fraternity.

JAMES W. TRACEY, of Toluca, Illinois, died May 31, 1915. He was a son of Edward and Catherine Tracey and was born in Glasgow, Scotland, August 24, 1858, and had his primary education there before coming to America. After coming to Illinois he began the study of law, and was a student in the Kent College of Law in Chicago. He was admitted to the bar June 4, 1903. He served as Police Magistrate in Toluca, and was Supervisor of Bennington Township, Marshall County, Illinois, for two terms. At the time of his death his son Andrew E. Tracey was associated with him in the practice of law. The widow and two daughters, namely, Mrs. M. A. Lapjansky, of Danville, and Miss Anna L. Tracey, of Toluca, and the son Andrew above named, survive the father.

MAX H. WHITNEY, of the Chicago bar, died December 8, 1915. He was returning from Washington City to Chicago, and when the train was nearing the Englewood Station in the morning was found dead in his birth.

He was born at Grand Rapids, Wisconsin, March 3, 1870, and was a son of George W. and Emily (Hanson) Whitney. He attended the public schools, and also was a student in the High School of Grand Rapids, and in the University of Wisconsin, Oberlin College and Lake Forest University. He was admitted to the Illinois bar March 28, 1896, and for sometime was a member of the firm of Merrick, Evans & Whitney, and later was connected with the firm of Winston, Payne, Strawn & Shaw. Afterwards he was Attorney for the Chicago & Alton R. R. Co.

He was married in Milwaukee, Wisconsin, to Miss Lucy Worden. She survives the husband.

WILLIAM H. WILLIAMS, late of the Franklin County bar, died May 6, 1915. He was residing in Peoria at that time, having removed from Benton to Peoria in 1913. He was born April 15, 1845, at Princeton, Indiana; was a son of Eli and Margaret Williams, of that place, and received his primary education in the common schools in the vicinity of his parental home. He became an early volunteer to serve in the Union Army in the Civil War, and served as a member of Company F 33rd Indiana Infantry during the war. He is supposed to have pursued legal studies in the Law School of Judge Andrew D. Duff, and to have been admitted to the bar April 27, 1867. He was for a time a member of the firm of Flannigan & Williams, and later of the firm of Payne & Williams, but, for the last thirty years of his life, when not officially occupied, practiced law separately. In 1879 he was elected County Judge of Benton County, Illinois, to fill out the unexpired term as such Judge of Hon. Daniel M. Browning,

who was elected to the Circuit Court bench; and Judge Williams was again elected County Judge in 1882 for the full term, as his own successor. He was President of the Franklin County Bar Association from June 6, 1910, to December 1913, when he removed to Peoria.

He was three times married. First to Margaret J. Aiken, later to Elizabeth Martin, and, about the year 1912 he was married to Mrs. Kate Doolittle of Peoria, Illinois, who survive him. Besides his widow, Judge Williams left surviving him two children, a son Walter W. Williams and a daughter, Mrs. Lora McQuire, both living at Benton, Illinois.

BENSON WOOD, of Effingham, an ex-president of this Association, died August 27, 1915. He was born at Montrose, Pa., March 3, 1839, and was a son of Peleg and Esther (Fox) Wood, and had an academic education. He served as a first Lieutenant and later as Captain of Company C in the 34th Illinois Infantry in the Civil War. His enlistment was from August 16, 1861, and he resigned while Captain January 29, 1863. He received the degree of LL.B. from the Chicago University, 1864, and was admitted to the Illinois bar July 30, 1864. He married Jennie Jewett of Brooklyn, Pa., December 21, 1864. He was a member of the Illinois House of Representatives from the 33rd District in the 28th General Assembly, 1873-1875, and a member of the Board of Trustees of the Asylum for Feeble Minded Children at Lincoln, Illinois, for a term beginning in 1891 and was a member of the Board of Trustees of the Soldiers' Orphans' Home at Normal, Illinois, for a term beginning in 1905, and Mayor of Effingham, 1881-3, and a member of the 54th Congress of the U. S. from the 19th Illinois District, 1895-7, and a delegate to the Republican National Conventions in 1876 and 1888, and had for a long period served as President of the Effingham State Bank.

At the 23rd Annual Meeting of the Association, which was held in Chicago in July 1899, Harvey B. Hurd, then President, had been in poor health for some time, and was unable to attend the meeting, and Benson Wood as first Vice-President was chosen by the Executive Committee to perform the functions of President, and delivered the Presidential Address. At the same meeting he was elected President, to serve the following year, and at the Annual Meeting in July 1900 he delivered his Second Presidential Address. Both addresses were practical and instructive. At the Annual Meeting in 1904 he spoke to a toast, "The Country Lawyer in Politics." At the formal dedication of the Supreme Court building in Springfield, Feb. 4, 1908, Mr. Wood delivered a dedicatory address: for which see Proceedings of this Association, 1908, Part II, p. 153. He was a member of the Congress of Jurists and Lawyers held in St. Louis in 1904.

He was a gentleman of sterling worth, and served with ability in the various positions which he occupied.

MR. THOMAS DENT: I move the report be accepted and the names of the deceased members be spread on the Association's records.

The motion was seconded and passed.

THE PRESIDENT: The next is the report of Editor and Publisher of Quarterly Bulletin by Mr. Stephens.

REPORT OF PUBLISHER OF THE BULLETIN.

To the President and Members of the Illinois State Bar Association:

The Quarterly Bulletin is closing its fourth year of existence. It was started by the Committee on New Members at a time when the present publisher was the chairman of that committee for the purpose of assisting that committee in obtaining new members.

It has always been our idea to make the Quarterly Bulletin a clearing house for the expression of the views of the members of the Association. At the same time we have tried to keep it within the limits of its name and not make a law magazine. As the publisher has frequently expressed, the Bulletin should be small enough that the ordinary attorney will be able to read it through before it reaches his waste paper basket.

The Massachusetts State Bar Association has recently started a Quarterly consisting of over one hundred pages of articles by various members of the association together with a digest of Supreme Court decisions and proposed legislation. Since this field is so ably covered in Illinois by the Illinois Law Review, your publisher is of the opinion that there is no reason why we should follow the Massachusetts precedent and publish a magazine instead of the present four page issue.

As each of the members receives the various issues of the Bulletin and are thus constantly in touch with the work of the publisher, further report would be repetition.

Respectfully submitted,

R. ALAN STEPHENS,
Publisher.

THE PRESIDENT: The President desires to call the attention of the members to the Illinois Law Review, to the May and June numbers which contain four pages devoted exclusively to the Illinois State Bar Association, and which will hereafter carry a special section devoted to the activities of this Association.

The report of Committee to Present Resolutions on the Death of Justice Alonzo K. Vickers; Mr. Bruce A. Campbell, Chairman,

REPORT OF COMMITTEE TO PRESENT MEMORIAL TO THE SUPREME COURT ON THE DEATH OF JUSTICE ALONZO K. VICKERS.

To the President and Members of the Illinois State Bar Association:

The undersigned, appointed by the President of this Association under resolution adopted at the meeting at Quincy last year to present on behalf of this Association a memorial to the Supreme Court of Illinois upon the life and character of the late Mr. Justice Alonzo K. Vickers, respectfully report that they have fully completed the duties imposed upon them by the resolution appointing them and did present to the Supreme Court upon behalf of this Association a memorial upon the life and character of Justice Vickers.

The memorial presented will be found in Volume 269 of the Illinois Supreme Court Reports on pages 21 and 22, reference being made thereto and the memorial therein contained being made a part of this report by reference.

Respectfully submitted,

BRUCE A. CAMPBELL,

ROBERT McMURDY,

JAMES M. GRAHAM,

Special Committee.

MR. BRUCE A. CAMPBELL: I move the adoption of the report.

THE PRESIDENT: You have heard the motion. As many as favor its adoption signify it by saying aye. Opposed? It is carried.

The report of the Committee to Inaugurate Samuel Alschuler as U. S. Circuit Judge, Major Edgar B. Tolman, Chairman. Mr. Tolman is in a session of the Committee on Local Arrangements for the American Bar Association meeting in August, and can not be here. Judge Alschuler was duly inaugurated as United States Circuit Judge. A committee was appointed by this Association which was present at the inauguration, and which took part therein. The report will be found in the report of the Association when published. If there is no objection the report will be considered as having been adopted.

Report of Delegates to attend Conference on Juvenile Court of Cook County. The report has been filed and if there is no objection it will stand as having been received and ordered printed in the Annual Report.

This, gentlemen, completes the programme of the Illinois State Bar Association for its Fortieth Annual Meeting, with the exception of the banquet this evening.

ANNUAL DINNER
OF THE
ILLINOIS STATE BAR ASSOCIATION
AT
HOTEL LA SALLE, CHICAGO
FRIDAY EVENING, JUNE THE SECOND
Nineteen Hundred Sixteen

THE PRESIDENT'S TABLE

The President, Nathan William MacChesney

At the President's right

The Minister of Justice
The Chief Justice of Illinois
Walter George Smith, Esquire
George T. Page, Esquire
Edgar Bronson Tolman, Esquire
Walter L. Fisher, Esquire
Brigadier-General Frank S.
Dickson
William J. Calhoun, Esquire
Honorable Patrick J. Lucey
Stephen S. Gregory, Esquire
Reverend Charles W. Gilkey
Robert McMurdy, Esquire
Charles L. Capen, Esquire
James H. Matheny, Esquire
Dean John H. Wigmore
Honorable Charles F. Clyne
Charles S. Cutting, Esquire
George H. Wilson, Esquire
Honorable Samuel Ettelson

At the President's left

The Governor of Illinois
Honorable James Hamilton Lewis
Albert D. Early, Esquire
Jacob M. Dickinson, Esquire
John S. Miller, Esquire
Samuel Rosenbaum, Esquire
Honorable Jesse Holdom
E. P. Williams, Esquire
Honorable Albert C. Barnes
Horace K. Tenney, Esquire
Edward C. Kramer, Esquire
Logan Hay, Esquire
Honorable Harry Higbee,
Harry E. Smoot, Esquire
Roger Sherman, Esquire
John F. Voigt, Esquire
Walter M. Provine, Esquire
Mr. John W. O'Leary
C. M. Clay Buntain, Esquire
Frederick A. Brown, Esquire

MENU

Little Neck Clams
 Puree of New Green Peas
 Olives Radishes
 Fried Supreme of Spring Chicken
 String Beans in Butter New Potatoes in Cream
 Heart of Lettuce
 Roquefort Dressing
 Peach Ice Cream
 Petit Fours
 Coffee
 Cigars Clysmic

INVOCATION

Reverend Charles W. Gilkey

After Dinner

TOASTMASTER

The President of the Association

Nathan William MacChesney

Greeting:

The Governor of Illinois
 Honorable Edward F. Dunne
 "A Philadelphia Lawyer"
 Walter George Smith, Esquire
 Of the Philadelphia Bar

Salutation:

The Senator from Illinois
 Honorable James Hamilton Lewis

"A Composite System of Law"

The Minister of Justice of the Dominion of Canada
 Honorable Charles J. Doherty, K. C., M. P.

"The Next Administration"

The President-Elect of the Association

RECEPTION COMMITTEE

Nathan J. Aldrich	Aurora
W. E. P. Anderson	Carlinville
William R. Bach	Bloomington
A. H. Baer	Belleville
Solon Banfill	Bushnell
W. W. Barr	Carbondale
I. N. Bassett	Aledo
Harry B. Boyer	Champaign
Sidney S. Breese	Springfield
S. G. Brown	Brighton
William N. Butler	Cairo
William S. Cantrell	Benton
Harry G. Colson	Chicago
P. H. Castle	Abington
John R. Caverly	Chicago
L. D. Condee	Chicago
George A. Cook	Aledo
Charles Crossland	Bowen
Clarence S. Darrow	Chicago
Jesse L. Deck	Decatur
William C. DeWolf	Belvidere
Harry P. Dolan	Chicago
Wm. R. T. Ewen, Jr.	Chicago
Joel C. Fitch	Albion
F. C. Funk	Bluffs
John L. Gallimore	Cartersville
Richard I. Gavin	Chicago
S. J. Gee	Lawrenceville
William N. Gemmill	Chicago
John Gibbons	Chicago
Charles H. Hamill	Chicago
James S. Handy	Chicago
Samuel A. Harper	Chicago
Paul P. Harris	Chicago
Louis E. Hart	Chicago
John T. Inghram	Quincy
S. C. Irwin	Chicago
Edmund K. Jarecki	Chicago
Norman L. Jones	Carrollton
Horace N. Jones	Batavia
A. H. Kay	Camp Point
Carl R. Latham	Chicago
Edward T. Lee	Chicago

Almon H. Linn	Cambridge
Harry J. Lurie	Chicago
Archibald A. McKinley	Chicago
W. G. McRoberts	Peoria
Carl Meyer	Chicago
William R. Moss	Chicago
William Gordon Murphy	Centralia
Hugh V. Murray	Carlyle
Conrad H. Poppenhusen	Chicago
Henry W. Price	Chicago
Charles L. Powell	Chicago
Henry R. Rathbone	Chicago
John J. Rooney	Chicago
James Rosenthal	Chicago
Angus Roy Shannon	Chicago
A. Ney Sessions	Anna
Julius Smietanka	Chicago
John Stelk	Chicago
Bernard H. Taylor	Canton
Marion Watson	Arthur
Phillip S. Post, Jr., <i>Chairman</i>	Chicago

ANNUAL BANQUET.

June 2, 1916.

THE PRESIDENT: Ladies and Gentlemen: I have some letters which I will read before we start the formal programme, and the first of these is from the President of the United States: (Applause.)

The White House,
Washington.

MY DEAR MR. MACCHESNEY:

I am very much complimented by your very cordial and gracious invitation to address the Illinois State Bar Association at its fortieth annual meeting at Chicago, June second or third, and wish most sincerely and unaffectedly that it were possible for me to accept. But, unfortunately, it is entirely and literally impossible. It every day becomes more clear that I cannot without an actual and most unconscientious neglect of my duties give myself, for the present at any rate, pleasures of this kind.

I am sure that the committee of the Association will understand, and I am sure if they knew the circumstances of my daily work, they would approve this decision.

Cordially and sincerely yours,

(Signed) WOODROW WILSON.

Mr. Nathan William MacChesney,
Cosmos Club, Washington, D. C.

Also a letter from Mr. Justice Hughes, of the Supreme Court of the United States: (Applause.)

"I appreciate most highly the invitation from the Illinois State Bar Association and wish that it were possible to accept it.

The work of the court continues uninterruptedly until the end of the term, and the pressure of the closing weeks is greater than

at any other time. It would be absolutely impossible for me to visit Chicago at the time your meeting will be held.

Greatly regretting that I must disappoint you, I am,

Very sincerely yours,

CHARLES E. HUGHES."

(Applause.)

And a letter from Senator Elihu Root: (Applause.)

"I am very sorry, but it is quite impossible for me to be at the meeting of the Illinois State Bar Association. I shall not be in Chicago for the Republican National Convention, either, (Laughter) so I must look forward to seeing you in Chicago when the American Bar convenes there the last days of August.

With kind regards I am as always,

Faithfully yours,

ELIHU ROOT."

(Applause.)

Also a telegram from the Secretary of the Interior, who was to have been here tonight, and who, because of an important Cabinet meeting set for this morning, found it impossible to come:

"Matters have developed within the last twenty-four hours which make it impossible for me to leave tonight to be with you tomorrow night. I greatly regret this for I have looked forward to being with you.

Please present my cordial regards to Senator Lewis, Governor Dunne and Dr. Wignmore.

FRANKLIN K. LANE."

(Applause.)

My brethren of the Bar, as we come to the final meeting of my administration, and the Fortieth Annual Banquet of the Illinois State Bar Association, I am glad to look into the faces of so many of my brethren throughout the state, and to see the unusual number of the judges of the state who met with us for the first time, this year, as the Judicial Section of the Illinois State Bar Association,

Though the Governor of this State is a very busy man, and tomorrow is to review the preparedness parade at Springfield, he has come today from Springfield and goes back tonight, in order to celebrate with his brethren the fortieth anniversary of the Bar Association, and to extend his greeting to our distinguished guests of the evening. I am sure we all appreciate that Governor Dunne, lawyer and judge and mayor and governor, but best of all, our friend, has come here tonight to say a few words to us. Governor Dunne, of Illinois. (Applause.)

GOVERNOR EDWARD F. DUNNE: Mr. Toastmaster, Minister of Justice Doherty, Senator, Ladies and Gentlemen of the Bar Association: It gives me extreme personal pleasure as the Executive of this State, in response to the kind invitation of your president, to be with you tonight and say a few words of greeting to the distinguished guests from beyond the borders of our own State.

We have two neighbors in this country, one of them to the north and the other to the south. One of them a near republic that they call the Dominion of Canada; the other what was until recent times, a republic, now so distracted by internecine warfare that we are unable to determine what sort of government they have in that unfortunate country.

For a century and over we have gotten along with our neighbor to the north in peace—profound peace. Over the three thousand miles of border line we haven't a fort or a parapet. Neither has our neighbor, if we except the old, fossilized, antiquaries that we have at Mackinac and Detroit. Not a man-of-war floating with the American or the Canadian flag ploughs the waters of the inland seas that divide these friendly countries.

For three quarters of a century we have had profound peace with our neighbor to the south, and only until recent years have we got into a situation where we have been compelled to place all our mobile army, and the militia of two or three states, upon the border between this country and our neighbor to the south, in order to protect the lives and property of American citizens.

We have not a soldier patrolling the border to the north, and I believe every patriotic American wishes tonight, truthfully and sincerely, that we shall be able to maintain peace with both our neigh-

bors, and that the peace will be perpetual. And I hope the distracted country to the south may soon reorganize its government so as to save us from the dread arbitrament of war. (Applause.)

We have no fears of our neighbor to the north. We cast no lustful or covetous eyes toward the rich lands of either of these neighbors. There are a few things we would like to have that you, Mr. Doherty, have up there in Canada, but we are not going to quarrel about it. We have heard some very disadvantageous comments upon your climate up there; we are not hankering after the climate. A few years ago a friend of mine who went up and spent a year or two in Canada, came down and told me, I suppose truthfully, that you had three seasons up there, July, August and winter. (Laughter.) Some of the reports that we get from Medicine Hat and Moose Jaw seem to corroborate that statement. Yet we have been up there, some of us, during the last twelve months; a good many of us have been there and we know of the tremendous progress that you are making. And we know of the manifold beauties of your scenery. I do not know a more delightful trip on the western continent than over the Canadian Rockies. We envy you, yes, a few things. We would like to trade Mud Lake in our vicinity here for Lake Louise. We know, those of us who have seen the unrivaled, picturesque beauties of Banff—we believe and confess that so far as scenic beauty is concerned, that Banff can put it all over Kahokia. Every time I go to Niagara Falls and find you people in possession of the Horse Shoe, I believe that the commissioners who were settling the boundary lines between your country and ours, the American Commissioners, had something put over on them. I think we ought to have had the Horse Shoe Falls as well as the American Falls. But I understand you people traded us Goat Island for the Horse Shoe Falls, and made a goat of the American Commissioners.

MR. DOHERTY: You got our goat, anyhow.

GOVERNOR DUNNE: But notwithstanding these things which we would like to possess we are not going to quarrel with you about, we have no hard feelings. On the contrary, the people of this country are of the friendliest character towards our neighbor to the north. The only competition and rivalry between your

country and ours will be the rivalry of modern progress, the rivalry of well doing. And therefore, on behalf of this State and its six million people, I extend to you a most hearty welcome to this city and to this State.

I had expected to be able also, my friends, to extend a like cordial greeting to another member of a Cabinet, a member of our own Cabinet, Secretary of the Interior Lane, and it is a signal disappointment to me and to all of us that he is not with us tonight. But we know that that which keeps him from us is a sense of public duty. We know this is Cabinet day, and we know that it is only matters of great importance that would have prevented his being with us. I hoped to have been able to assure him, as I am going to assure Senator Lewis, the ambassador of the State of Illinois, and the most brilliant and able ambassador that this State has sent to the Senate of the United States in a half century, that the great State of Illinois would have liked to have heard from the lips of Secretary Lane—who knows them so well—the trials, the tribulations and the difficulties that have beset this nation in its diplomatic intercourse with the warring powers of Europe, the difficulties that have surrounded the situation with reference to our neighbor to the south—I wish to assure Senator Lewis on behalf of this State, and I want him to bring back the assurance to the President, that during all these trying days and weeks and months, now lengthening into years, when the President has been struggling manfully with his Cabinet in adjusting these difficult diplomatic matters, they had had the intense sympathy and respect and love and admiration of the people of the great State of Illinois. (Applause.) I want you, Senator Lewis, to congratulate that President and that Cabinet upon the diplomatic triumphs that they have already achieved, and upon the fact that they have, while all the world is afire, kept this nation of ours without the maelstrom of war, and in peace, and preserved the dignity and the honor of the American nation. (Applause.)

And I want to say to him that the State of Illinois is proud of her past history in sustaining the Presidents of the United States. It is proud, and its six million people are proud of the fact that it was upon the soil of Illinois that the greatest moral

issue ever presented to the American people was fought out before the jury of the American people through her illustrious sons, Douglas and Lincoln, and that it was settled upon the plains of Illinois. And that when rebellion raised its grisly head, and when that issue had to be decided in the red line of battle, Illinois gave to the nation a Lincoln, and when it crushed that rebellion it did it through the instrumentality of the man who planned and executed the great campaign of the armies of the United States, in the person of Ulysses S. Grant. Behind Ulysses S. Grant in that great struggle were massed 250,000 of the manhood of Illinois (applause) that risked their lives at every battle from Fort Donaldson to Gettysburg and Appomattox. I want to assure that President if the time shall come in the near future or in the far future when he needs the assistance of the people of Illinois, that they will be just as ready to stand by him as they stood by Lincoln in 1861 (applause); as they stood by Cleveland and the Venezuelan Commissioners, and as they stood by McKinley in the Spanish-American war. And that instead of 250,000 men that we furnished nearly a half century ago, the State of Illinois, if needs be, will place upon the firing line 500,000 of her men to support the President and maintain the dignity and the honor of the nation. (Applause.)

THE PRESIDENT: When I read the histories in my boyhood days, I got the impression somehow that the United States was largely indebted to New England for its leadership and that practically all great men of the nation had come from there. As I listened to the talk around the table at home, and of some of the family friends, somehow the seat of the intellectual and patriotic activities of the nation shifted and seemed to be largely in Virginia and in the south. But when one day I had a few hours to spare and went back into the delightful old home which is occupied by the University Club in Philadelphia and sat down a while by the fire and read a book there I discovered, to my astonishment, that New England, after all, had played but a minor part in the history of the nation; that Virginia, after all, had declared but few of the fundamental conceptions of liberty, or given to the nation but few of its patriotic or political leaders, but that, as a mat-

ter of fact, the intelligence of the nation had been developed, and the men to put it into effect had come from the State of Pennsylvania. That book upon the subject was absolutely conclusive and I knew from the reading of it that if Pennsylvania had not succeeded in proving its case it was not Governor Pennypacker's fault.

Tonight we have on the program the topic, "A Philadelphia Lawyer." Now there are lawyers and lawyers, but when a lawyer wishes to express admiration, or a layman wishes to express contempt of the profession, he refers to the Philadelphia lawyer, and tonight we have not only the Philadelphia lawyer as typical of our profession, but we have a Philadelphia lawyer who is typical of the Philadelphia Bar, himself, in his own proper person. And I am sure it is a great delight to the Illinois State Bar Association to have with us as our guest the former President of the National Conference of Commissioners on Uniform State Laws, who has contributed so much to the solution of some of the great questions before that great legislative body, and to the National Divorce Congress and other national movements, and who has been a great factor in all the movements that have made for the upbuilding of our common profession. Gentlemen, Mr. Walter George Smith, of the Philadelphia Bar. (Applause.)

MR. WALTER GEORGE SMITH: Mr. Toastmaster, the Governor of Illinois, Mr. Minister, Ladies and my Brethren of the Bar: As I listened to the introduction of your distinguished president, my friend, I was reminded of an interchange of remarks between a young lawyer addressing the court, perhaps for the first time. As he proceeded and became more and more involved, he said to the court: "I hope the court follows me?" And the venerable judge responded, "I am not sure that I do, and if I knew where I was I would stop right here if I could find my way back." (Laughter.)

This occasion brings with it a double chagrin and a double sorrow; one to you because the distinguished Secretary of the Interior is not here, and one to me because I must, for the moment, fill his place.

Now it may seem to be rather an amusing thing that the Philadelphia lawyer should think for a moment of occupying the place

of the Secretary of the Interior. But your president has justly pointed out the fact that Pennsylvania has often been represented in the Cabinet and there are Philadelphia lawyers today who, upon invitation might help the President. (Applause.)

The president has referred to the fact of the double reputation possessed by the Philadelphia lawyers. On the one hand there is that mistaken view of the laity which I saw once expressed in an English dictionary; as I ran my finger down the page I read: "Philadelphia. A city in North America. Philadelphia lawyer, a notorious shark." (Laughter.)

One of the members of this Association whom now, by your grace, I may call a fellow member of the Illinois bar, because to-day I had the honor of election by this Association to that honorable place, asked me today how it was that the reputation of a Philadelphia lawyer was first established. You will remember that Philadelphia was the capital of the colonies. The first President of the United States was inaugurated in Philadelphia. The Federal Congress sat in Philadelphia, the seat of government was there until the British drove us out.

Now the Philadelphia lawyers of that time had, many of them, been educated in the Inns of Court, so they brought the traditions of the common law and of the English bar for the first time to the colonies, and the names of those men have become illustrious in the history of the profession, Lewis, Ingersoll, Duponceau and others, a list of which, if I were to call it, would be a roll of honor in the profession of the law in the United States. And if that has made the name of Philadelphia lawyer synonymous with legal acumen and with profound learning, we of a later generation stand under the shadow of a great name. We are not so great, I regret to say, as our reputation. Many of us stand shoulder to shoulder with the leaders of the American Bar, but no longer can we claim primacy among the lawyers of the United States because the country that was a wilderness at the time when Lewis, Duponceau and Ingersoll practiced at the Philadelphia bar, has since given the nation such names as Trumbull and Lincoln and Douglas, all of which are as familiar to you as household words.

But there is one thing that we can claim for our city of

brotherly love upon the banks of the Delaware, and that is the fact that it is looked upon and always will be looked upon with reverence by the American people as the cradle of American institutions, as the ground that is sacred because the fathers of the republic laid the foundations of this nation in their deliberations there, under the shadow of Independence Hall. (Applause.)

If you will permit me, in the few remarks that I am about to make, I will dwell just for a moment upon what has occurred since that memorable occasion when the document which has been pronounced as the greatest document of political character that ever came forth from the brain of man, was signed and promulgated in the city of Philadelphia.

A century and a half has passed by and this country has grown from three or four millions of people to a hundred millions, and we no longer have any frontier. The same system of law and the same political ideals and the same professional ethics are taught at the Golden Gate of California and upon the Great Lakes and throughout that country which in those days was but a wilderness. Lord Macaulay, in 1857, when the life of Thomas Jefferson by Randall had been sent to him, wrote a most sagacious letter criticising, not that work, but criticising the work of the fathers of the republic in the experiment of democratic government. He said in effect:

"Your experiment has succeeded in the United States so far, but why? Because you have had a virgin territory, because you have not been confronted with the problems of the dense population that we have in Europe. But wait until your population increases; wait until your virgin resources are somewhat exhausted; wait until the density of your population presents to you the problems that we have had to solve under old European monarchical institutions, and then if you succeed, you may say the experiment of democracy has succeeded."

My friends, it seems to me that now we are living in the times when that test is being applied, and it is an acid test. Shall democracy regulated by law, representative democracy, democracy with checks and balances—not a pure democracy but a representative democracy, succeed, or shall it go the way of all human

political institutions? Shall local self government give way to centralized power, until the man on horseback who has always appeared in every epoch of history shall appear upon the American continent? The test is applied to every one of us.

I had occasion, in an address to the Association, to touch upon this thought, which I would reiterate now. All of the problems that have been presented to us, and all the difficulties and all the dangers, arise from one thing, the indifference of the American people, and the indifference, to a great extent, of the American lawyer, to the performance of public duty. (Applause.) Take, if you choose, the returns from any election, and see how many men, and in states where woman's suffrage exists how many women, have taken the trouble to go to the polls to express, either their choice in the primary or their party choice in the general election, and you will find an enormous proportion of them that have been absolutely indifferent, and that they are the very first to criticise defects in municipal, in state and in national governments. They are the very first to criticise the legislators whom they have either sent or permitted to go to the state capitals; they are the first to criticise the Congress of the United States if it fails to respond to anything they have thought should be the ideal of the legislature.

If our institutions fail they will fail because we are throwing away the privileges that were won by our forefathers and their lives and fixed in the Constitution of the United States in the city of Philadelphia in 1789.

We are in the presence, my friends, now, of a world crisis. Our country is not at war, thank God! (Applause.) But who can tell what the morrow may bring forth. All of us were thrilled when we listened to the words of your governor when he went back fifty years and spoke of the embattled hosts of the State of Illinois, 276,000 strong, who went out to the front, for what? For an ideal. Because they preferred to risk the loss of this life; they preferred the loss of commercial prosperity rather than the ideal of a free American republic should perish from the earth!

Is that the spirit today? I firmly believe it is. I firmly believe that the coals of patriotism are latent in every American

breast, and they require but leadership, properly directed leadership to cause them to burn with an ardor equal to any found in the history of the American republic. (Applause.) And the proof of it will be shown to you tomorrow when men of every rank in life will parade the streets of this large city. And I know that Senator Lewis will carry the message back to Washington, after he looks upon it, that the American people are ready and anxious to support their leaders in the maintenance of American dignity and the protection of American lives and of American property throughout the world, be it the humblest who is blown up on a steamship at sea, or who is murdered by a bandit in Mexico. (Applause.)

We are a very rich people. No man can travel through this country without marveling at what the genius of man, directed by the power of wealth, has been able to accomplish. Coming, as I did to this city, and looking, as I did, with wonderment upon its enormous private and public buildings and its beautiful extent of parks, I must say I was astonished this afternoon when I saw what a territory it covered, and what enormous wealth and power it speaks. But this is only one. It is the second large center of population of the United States. But if you go across the continent from north to south, you will see in proportion, everywhere, the same thing. And the danger that we run is of being suffocated; the spirit of patriotism and self-abnegation suffocated by prosperity. It seems to me that calmly, without passion, but with sincerity of purpose in every avenue of life we should endeavor to teach our fellow citizens that these things, great as they are, are means and not ends; that the great nations of the world have come to an end by reason not of poverty, not of struggle, but of prosperity.

Do you know any man who was born to wealth and born to ease and born to luxury and who has accomplished great things? If you do, I say that man is entitled to greater credit than the poor struggling youth with the bayonet behind him, who has been compelled to climb up because of the law of necessity. And as with the individual, so it must be with the nation. The great struggle today is between democracy and autocracy. It is trembling sometimes in the balance, and the whole world looks to

this republic to maintain its ideals at whatever cost, I say, of blood or of suffering.

Now in our profession it is necessary throughout the length and breadth of the land for the lawyer to be the leader in all civic things. And, my brethren of the bar, sometimes the thought comes to my mind that perhaps even we have become somewhat commercialized. It is a refreshing thing to see such a gathering as this, men who come, of course actuated by that good fellowship that is one of the charms of our profession, and one of its greatest charms, but who come for no other purpose from their offices and their practice, men charged with important responsibilities than to consult about the common good of the profession? No, not alone of the profession, or the lifting of the ideals of the profession to the greatest height, but for the common good of the community whose servants they are. We have inherited from our mother country a government regulated by law, not a government of emotionalism, not a government of absolutism, but a government whereby we, recognizing the limitations of our common nature, fearing lest injustice be done to the minority or to the individual, have bound ourselves in constitutional fetters lest we forget our ideals.

And it seems to me, my brethren, and with this I must close. I have already trespassed too long upon subjects that we all feel are next to our hearts—it seems to me that we should go back to our various spheres of action refreshed by such a meeting as this, with a patriotism reinvigorated, with a determination to teach, so far as our influence can go, that the ideals of American liberty which are expressed in the work of those men who assembled in Philadelphia, shall continue to govern this people, and that we shall not surrender them for any doubtful suggestions, whether they come from Switzerland or whether they come from Russia, but shall continue in the course under which, during the vicissitudes of peace and the less dangerous vicissitudes of war have carried this republic to be the foremost and the most prosperous nation in the world. (Applause.)

THE PRESIDENT: I rise to my feet with some considerable

embarrassment when I realize that I have to attempt to introduce this particular senator from Illinois. I have attempted it before and have always gotten the worst of it. But nevertheless, it is my official duty, and I can not let cowardice hold me back. It is a pleasure, as a son of Virginia, the second generation removed, to be sure, to welcome to the Association's annual banquet, our fellow member of the Illinois bar, and our distinguished representative, the senator who came on especially from Washington to be with us tonight. I wish I might dare risk telling one of Senator Lewis' own stories. That is a very risky thing to do. It is bad enough for me to tell a story, anyhow. But you remember that I told you last December that once when Senator Lewis was having a golf game with Silas Strawn or some other famous golfer, he told the following story: He said a colored man and his employer were talking and the colored man said, "Say, boss, is there such a word as supeh— super— super—er— ogation?" The employer said, "Yes, Sam, would you like to know what it means?" Sam replied: "O, no, boss, I will find a place to use it all right." (Laughter.) Now I am not going to use that word, and I am not going to do the talking, but just going to say— Senator Lewis, of Illinois. (Applause.)

SENATOR JAMES HAMILTON LEWIS: Mr. President, did you ever have hay fever? (Laughter.) You will be patient till that sneeze gets away from me, I wish then to have something to say to you.

Ladies and Gentlemen: I am very glad I had the chance and the opportunity was given me to be with you here this evening. I left Washington last night after a day's service as your honored representative with the single object of reaching here in time to personally greet you.

I very freely confess that I grow very tired of the formalities and artificialities which attend the execution of public duty. And the contemplation that I might have a chance to come back here among the people who really know me, that I might shake the hands, receive the greeting, of those with whom I have struggled, strived, lost and won, was the hope I really had. I am very sorry that conditions of train schedules, coupled with engagements, made

it impossible that I could arrive in time to have renewed acquaintances ever delightful to me, and to rebind associations always compensating.

If I have lost the benefit of your sessions, my brother members of the bar, I have the pleasure of attending this close of them, your closing season of revival in the worship of your two great earthly gods, justice to men and liberty under law.

Tonight I join in the greeting of the distinguished guest who honors this assembly by his visit from our neighboring and friendly country. As your eminent executive has said, and wisely, with them we are on most genial and kindly terms. We all hope this shall never be disrupted. I say to you, Mr. Minister of Justice, the casual and delightful mirth of our distinguished governor upon your splendid country interested me, but rest assured, sir, apart from that we know what you are, we know what your people have been, and if one of your favored poets has found it agreeable to characterize your land as "The Lady of the Snows," we who have really observed you and watched the contribution you have lately made to history, are glad, sir, to rejoice that we recognize you, Canada, as the daughter of the bravest and the mother of valor. (Applause.)

I regret the absence of my distinguished coadjutor in public matters, for twenty years an intimate friend, the Honorable Franklin K. Lane who, I can assure you, is one of the philosopher statesmen of the present administration, but who is endeared to us in our profession as that man who is the conservator of the homes of the poor in the great American west. I only heard of his absence when I arrived here tonight. The things he was to say would have been a corollary to what I had intended to say to you, but I abandoned that, and I beg the liberty to accept the suggestion from your distinguished executive and the eminent lawyer from Philadelphia, as the theme of such utterances as I shall make free to indulge.

You will never have again, gentlemen of the Illinois bar, a meeting under so serious an aspect of the world as that which you now participate in. Never before in all your professional life, indeed, in all the forty years, the last of which tonight you celebrate,

have you ever assembled when problems of government so tortured the soul, and the after days filled with such uncertainties and solemnity hung about you like a cloud as this night. Truly, as the executive said, we all join in the prayer of the great Chancellor, indulging the hope that peace will be our inheritance, and we all hope that in another meeting, when you come together again, it will be with an object to praise and to celebrate the achievement of the close of conflict of mankind.

Tonight, however, we view some things as they are. My mind reverts to that incident—I may be slightly in error as to the name of the author, but I think it was Constant, whose *Memoirs of Napoleon* reminds us that after the Napoleonic wars the new allied powers who had been previously foes, France and Austria, met to celebrate their new alliance and to review their troops. The place was Vienna. Upon the reviewing stand stood the Archduke of Austria, and beside him Napoleon. The soldiers marched by, their faces livid with saber cuts; some armless, some legless, some with their eyes shot out, all seemingly broken and maimed under the evils of war. When Napoleon, beholding them, feeling the pride of his own, turned solemnly to the Archduke and said, "Sire, what do you think of soldiers who could bear scars like those?" And the Archduke, recalling that it was himself who had led in those conflicts against these soldiers, quickly responded to Napoleon: "And, Sire, what will you say to soldiers who could give scars such as those?" Napoleon for a moment was nonplussed, when a little, passing French sargeant, having heard them, cried out, "Tell him they are all dead, Sire, they are all dead!"

Tonight, here in this assemblage, in a conversation with my brothers of the profession in which our calling has been one of help to ourselves and we hope some service to our country, we are compelled to review the situation and note that yonder, in another world apart from us, those first offsprings of the Reformation are reeling, falling, bleeding, dying. And if civilization shall ask of the generations passing, where are those systems which assured to mankind liberty and justice in the old world, America this night, in the presence of the great Captain of us all, is compelled in sadness to reply, they are all dead, Sire. They are all dead! This,

my colleagues in common service, this spectacle moves the heart of an American to shudder, but likewise to ask what of ourselves and of our tomorrow? Where stand we, the ministers of justice?

My brothers of the bar, the laws of our calling, the laws of our inheritance of justice are we to transmit to mankind, the laws of the state of liberty for which we speak have one ordinance, ordaining us that we go forth to teach justice to man, liberty to peoples, freedom to nations. If this be not our mission we have failed to recognize the meaning of that which has been transmitted to us by our fathers. It can not be, my brothers, that the great national charter of our existence was limited in its operations to that part of the world of mankind stenciled America. It can not be that within the limitations of the United States we are ordered only to distribute the benign blessings of the things for which we stand. Surely our purpose is a nobler and a higher one, and we are violating the ordinance of the Christ, proclaiming, "Go forth, ye, to all the world to preach the gospel to mankind." Our gospel, my brothers, is justice, and the justice for which we speak is the voice of God.

The duty in this hour, as I see it, of yourselves, my brothers, myself in common with you, is not being fulfilled. The eminent scholar and lawyer from Philadelphia rightfully adverted to the martial conditions which surround our nation, and propounds most appropriately the interrogatory here, if that which is the accompaniment of prosperity shall overcome the democracy of government what shall be the end of the martial arbitrament which is engaging the thought and sight of man I am not at this place to prophesy what in the after days becomes our duty.

You, as lawyers, have been ordained as the agents of civil justice. We must hear again the inspiring tones of Sir James McIntosh when in that assemblage he cried out, "Give me, my lords, civil justice, by this I would drive every tyrant from the realm, deny the pettiest despot that can threaten the crown of England and overturn the liberties of Britain."

Here in this place we must be confronted with that cry, coming from the wilderness and sounding upon our ears, "Make straight the way," for it is also recorded that man can not for him-

self live alone. Then our duty for the tomorrow, as I see it, is to move towards action that shall induce the mind of man to realize that only in the principles of justice can there be established government which assures liberty and secures freedom to men. Our duty is to go forth to teach the ideals of justice upon which our republic has been reared and by which we have been preserved.

It is not enough, gentlemen of the American bar assembled here that this, our proud country, enjoying all this inheritance to which the distinguished lawyer from Philadelphia alluded, much of which brought into expression for America in his historic home—it is not enough that we view this with pride and espouse it with joy. We must turn to America to point to her duty and ask of her what it means for her future days? It is not enough, ladies and gentlemen, that America shall prescribe precepts for the assurance of humanity. America must prepare to enforce by action the rights of man. She has this trust in her keeping. If she shall remain longer silent with the civilization of the old world toppling and falling, without one word of protest, she writes herself a coward. If she shall withhold the right of shelter to the crumbling kingdoms she shows as one who is deserting the duty transmitted to her in a trust; and if she shall decline to offer her teaching and guidance in such hour, she fails in the solemn and supreme purpose of our profession, the establishment of the reign of law. (Applause.)

Then there is something higher in our assemblage which your distinguished president alluded to, than the mere gratification of hospitality of the precious renewal of associations. Yours is to contemplate what of the tomorrow for America? what shall be our offices and our duty in that coming day when there must be a rejuvenation and re-establishment of government, whether it shall be upon the ideals of freedom and constitutional liberty, or whether a military despotism shall be reared upon the ruins of civil justice? These are for you. None of us can escape the responsibilities of undertaking this solution.

You women, you do a great service when you join your husbands, your brothers and the members of your family and attend these gatherings. Sometimes the discussions may not seem to in-

terest you, and partake of abstruseness beyond your interest. But you do a great service, you women, to men, and you do great service when you come to join here this night, as you have through these days, in the efforts of men to reach a solution of great questions upon which so much depends of your home, your children, your tomorrow, all there is of existence.

The last work of Petchnikoff brings to us a modern instance touching the sad wars in the east. The soldiery is moving out of Russia. And Helga accompanying Osroff to the gate said:

"Osroff, you will never return."

"Yes, I will return, the village needs me."

"But you will never come back."

"I must come back, Helga, I tell you the village needs me."

The seasons came and went. Helga despaired of seeing him or of hearing of him. In the meantime Helga was diseased with smallpox that marred her exquisite beauty and she said to her old servant:

"I will never see him again. He must never lay eyes on me."

"Ah, he will come back to you."

"But he can not see me, I can not let him."

One morning the message came that the soldiers were returning. Far down the lane a cloud of dust appeared, then the roll of drums, soon the blare of the trumpets, then the forms and visages of men, four abreast, moving straight forward. Helga moved to the gate, looking forward, for she knew it was Osroff. And when they came straight ahead she saw that on either side of him were these men weakly assisting him. Hiding herself behind a pillar, that he might not see the marks that the smallpox had left, marring her beauty, she looked and saw him come near the gate and she cried out:

"Osroff, Osroff, don't look at me."

And he answers and says:

"Helga, don't you see I can't see you? My eyes are shot out."

And she rushed to him and said:

"And this is the hour when it is a woman's task to hold your hand that you may not stumble as you walk, that you may not fall as you go, for, Osroff, the village needs you."

So you women, the hand you tender us, the support and sustenance from your souls, and the nobility of your lives gives that aid to men by which they feel that you hold them up when they would stumble; you preserve them when they would fall. I pray you accompany these lawyers in the great task just ahead of us in the rejuvenation of the new world by the ideals of Illinois' truly distinguished governor. I join then, with you as I close, that we need have no fear here in Illinois; our charter still remains for us the ideal and concept of conduct.

And in the tomorrow, learned counsel from Philadelphia, this be our consolation, that in the democracy here established, this republican government, firm upon its foundation by the ideals of law and American justice, we are assured that we will realize sir, as the dream of the great Lincoln, that government of the people, for the people and by the people that shall not perish from the face of the earth. (Applause.)

THE PRESIDENT: It is always a pleasure for the Association to have with it distinguished guests from outside the boundaries of the State, but it is an additional pleasure when a sister nation loans one of its distinguished sons to us in order that there may be conveyed to us the friendly greeting which we always bear to them.

When I was in Ottawa, Sir, several years ago, I was told an interesting story by one of your distinguished men, with reference to a conversation that he had had with the then Secretary of State of the United States. There had been some statesmen in this country who had talked foolishly about the commercial annexation of Canada, and had apparently been taken more seriously there than they ever were at home. And this distinguished statesman of yours in Washington, in talking to the Secretary of State said: "Tell me, what is the ultimate philosophy of American government? Have you people any desire that there should take place a gradual absorption which should make impossible the continuance of the integrity of the British Empire?" And the Secretary said: "My friend, you do not understand American statesmanship, and nobody does who thinks that is advisable at any period of time. The ideals, the hopes and aspirations of Canada and the United States and the British Empire are the same. The menace to them

comes from the west, and only from the west. The United States with Canada independent or a part of herself would be facing that menace alone, but the United States with Canada, a part of the British Empire facing it with the British Empire and its latent resources, feels entirely safe. We could not afford to be one country, Sir." (Applause.)

That was the answer of the Secretary of State of the United States to the statesman from Canada. It is unthinkable that the relations of the two countries should ever be other than friendly, nation and nation, side by side, friendly ever, bound by the closest ties. (Applause.) I wonder if I could do better than repeat a word or two that I quoted from Burke yesterday in my annual address when he said:

"It is with nations as with individuals, nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners and habits of life. They have more than the force of treaties in themselves. They are obligations written in the heart."

And so our common origin, our common language and our common ideals bind us closer together year by year.

You have recalled this morning, Sir, that this land where we now stand was at one time a part of the Province of Quebec; and Illinois is proud of the sons of New France who explored her territory. I wish you might have seen the great cross erected over the spot where Joliet and Marquette stood upon high ground and looked over into this territory and said, here will be a great city some time—the vision of the statesmen of New France of the future which was to be. We are proud of our French ancestry here, we are proud of the connection with New France and we are proud of the common ties with Canada then and now. And so it is a great pleasure for me, as President of this Association, to welcome you here as a representative of a great sister democracy with whom we have been and always shall be in closest relations. (Applause.)

I have great pleasure in presenting to you, my brethren of the Bar, the Minister of Justice of Canada, who will speak to us upon "A Composite System of Law." (Applause.)

HONORABLE CHARLES J. DOHERTY: Mr. Toastmaster, your

Excellency, Senator Lewis, Ladies, and my Brother Members of the Illinois State Bar Association: I would be untrue to the feeling that is deepest in my heart, and at this moment aroused by the eloquent words that have fallen from the lips of yourself, Mr. Toastmaster, of you, the governor of this great State, and of the distinguished senator whose words are still ringing in all of our ears, if my first utterance was not a grateful and appreciative acknowledgment of the kind things that his excellency the governor, and the distinguished senator have said of my country. As ringing through all the eloquent speeches that we have listened to we have recognized the same note of devoted American patriotism, so may I claim for the people of the land from which I come, that the dominant passion of the Canadian heart is love for that Canada that shares with you of the great American republic, though, perhaps, in smaller measure, the great duty of maintaining upon this American continent in their purest and best forms, those democratic institutions, assuring as has been said, liberty within the law, and, which as has also been said, you have inherited and we have shared as being the younger brother who has chosen to remain at home with the old mother.

You have been good enough to say, your excellency, that there were some things in Canada that we had that you envied. If there are, the envy need not last long, just come up among us and we shall be more than happy to share them with you. (Applause.) Need I say that we, that younger brother who has chosen to remain at home, to remain within the domain of the old mother land, have seen many things that you have that we well might envy, were it not that any feeling of that kind has been merged in the sympathetic pride with which we have seen the progress of that big brother as he went forward in the path of progress, in the path of prosperity, above all in the path of honor, building up that great nation of which you are all so justly proud, and which we look up to, not with a feeling of envy, but with a feeling of pleasure, rejoicing to see that our brother is following so closely in the footsteps of those, our common ancestors, who originally marked out for us the path that the men of all the races that go to make up the population of your great republic, and the men of all the races

that enjoy the same blessings of democratic institutions within the limits of the British Empire are called upon to follow. (Applause.)

I thank you then, most heartily, most cordially, all of you, gentlemen, for the kind words that you have said of my country. It is true, your excellency, you saw fit to disparage, perhaps in a more or less jocose way, some of those things that we have in Canada and that we look upon as blessings. You were good enough to credit us with three seasons up in Canada. You are quite too generous, we only have two; we merely spring from winter into summer, and fall from summer into winter. (Laughter.) But to make up for it, when we do have the summer, we have as warm a summer as you can boast of; and when we do have winter, we have a colder winter than you can boast of. (Laughter.) But the winter, cold as it is, serves but to give opportunity for the demonstration of the warmth of the Canadian heart, a warmth that in its welcome to you all when you come to see us shall make you find even the coldest of the winter days of the cold Canada warm with the genial warmth of friendly welcome and hospitality. (Applause.)

Some reference has been made to a great crisis as impending over this country. In my country the crisis has ceased to impend, it is with us. The eloquent senator was good enough to speak of Canada as the daughter of the bravest and the mother of valor. Let me say just one thing, and I would not for the world say a word that might sound improper in this great neutral country, but just let me say there is one thing we have in Canada, one thing that our having chosen to remain at home with the old mother has brought to us, and that you might, perhaps, be forgiven if you envied us, and that is the opportunity of taking our share in the great struggle that at this moment is convulsing the world, the great struggle that has been so aptly described as the struggle for survival between democracy and autocracy; as a struggle for the maintenance of the reign of law throughout this civilized world. (Applause.) Canada has appreciated that opportunity and Canada welcomes because she has appreciated it, the compliment of the distinguished senator when he describes her as the mother

of valor, because she feels that she is not all undeserving of that high compliment; that her sons and the best of her sons have earned it for her on the war-stricken fields of France and of Flanders.

In that great crisis we have naturally looked for sympathy. It has sometimes seemed to us that we had sympathy among the sons and daughters of this great nation. We know that your duties as citizens of a neutral country preclude, perhaps, the verbal and open expression of that sympathy, but we like, at all events, to believe that you are in the condition in which the lovelorn ballad singer of the country of my fathers described the dear little fish to be, when he said:

"And he sang in his lovelorn strain,
The dear little fish,
Though they can't speak, they wish."

We like to believe that you wish.

And now may I come down to the prescribed subject on which it is my purpose to address you this evening.

Wonderful is the effect of flattery, and amazing are the results that it produces. When you, Mr. Toastmaster, asked me to come and deliver an address to the Illinois State Bar Association, I was, indeed, flattered. But when you further communicated to me that I was expected to deliver two addresses on the same day, why, being flattered, ceases to describe my condition of mind. My head was turned. I am sure you will be surprised when you look at a modest looking man like me, but I conceived the vaulting ambition to talk to the Illinois State Bar Association and its friends about something that they did not know about, or at all events did not know all about. Now, of course, that was a very short lived hallucination on my part, it did not take much more than a moment's reflection to make me realize just how impossible that was, and today, after having had the pleasure of conversing with so many of you and the opportunity of listening to some of the learned papers that were read, and to the speeches we have heard this evening, I of course quite fully realize that it is not given to me to invite the members of the Illinois State Bar Association to trod in as yet untrodden, by them, paths of learning.

And yet, it has seemed to me that perhaps I might talk to you upon a subject with which I ought to be a little more familiar than you are. My momentary idea of talking to you about something that you did not know, I may say, had a double motive. It was inspired not only by the wish to startle you with such a veritably impossible feat, but also by the thought that I might speak upon a subject where I could rely upon the ignorance of my hearers to guard me against the discovery of my own. (Laughter.) But that has gone like a fleeting vision. And yet I am here to speak to you, as I said, upon a subject with which I ought to be familiar, since it is the subject to which I have devoted the study of my life, and which you are excusable if you are not equally familiar with, since it is of a law with which you have not been called upon to deal.

I can speak of it as a composite law. It is the law of my own Province of Quebec. That British province in a British dominion has probably less of English law than you have in this State of the American Union. You all know that in that far-away day when my land and yours were but one land, and both were under the dominion of his most Christian Majesty of France, there came from that beautiful land of France her sons and daughters who, while they were missionaries and explorers in this western country of yours, made their larger permanent settlements along the banks of the St. Lawrence, fired with the ambition to create, upon this side of the Atlantic, a new France, and how they created a new France which, down in my own province subsists today a standing testimony to the courage and the virility, the devotion to faith and to the national traditions of the race from which they sprung and which, so far as any man can judge, is destined to be there perpetuated.

When your country, this State of Illinois, in company with that country of mine, passed from the dominion of the French king unto the domain of the crown of Great Britain; and when the victorious Saxon substituted upon the old Citadel of Quebec his flag for the fleur de lys of old France he was generous enough or wise enough, let us say he was both, to leave to the people that he found inhabiting the colony the continual enjoyment of their laws

and their customs and their usages. And so at the start the old province had within her the French law as it existed in the colony in that day. But even from the very outset of the British control of the country that law began to be a complex or a composite law because the same act of Parliament that secured to the inhabitants of the colony the continued enjoyment of their laws and usages and customs, so far as that branch of law which is called civil law is concerned, endowed them with the English criminal law as being, in the judgment of Parliament at least the more humane and the more suited to secure and protect the liberty of the individual subject. From that we had the complex law French in its origin on its civil side, English in its origin on its criminal side.

But even in that day there were some things in connection with the civil law of which the Englishman was too tenacious to be willing to part with, they were the freedom of willing and the right to trial by jury even in civil cases. The first of these was grafted on the tree of the old colonial law in its full plentitude; the second in only a very restricted degree.

There came, also, at that time into our law, so far as the rules of evidence were concerned, in commercial matters, the English rules of evidence, a provision which has made, in our province, the question whether the object of a particular litigation is or is not a commercial matter, one of the questions about which lawyers most frequently wrangle, and to decide which judges are most often puzzled.

So far we have fairly good ground for talking about our system, I think, as a complex or composite system. But it does not end even there. I have talked to you about the introduction of French law, or the continued existence of the French law as it was in the colony in 1763, within our Province of Quebec. And yet I am hardly correct in saying that. We find people, and well informed people, who talk about the French law or the civil law as prevailing in the Province of Quebec, and talk about the two terms as synonymous; and yet there could be no greater error because—I am speaking now of the civil law in the sense in which we ascribe that term to the old Roman law—because, in the first place, the French law as we had it then and as it had always existed, is some-

thing very different from the old Roman or civil law. And when people imagine, as they often do imagine, that in the Province of Quebec we have the civil law in the sense of the Roman law, insofar as they treat that as a proposition universally true or generally true they fall into very grave error, because that French law that we had in the colony was, in the first place, hardly correctly described as French law at all because, as no doubt you all know, in the French of the pre-revolutionary days there was not any one law that prevailed throughout the kingdom and consequently there was not any one law that could be called French law. The whole country was divided into two great sections, the northerly, which was known as the land of the customary law, and the southerly, which was known as the land of the written law; the written law being the Roman law. In that northerly portion you had a veritable common law that consisted of those rules that from time immemorial the people would have said to you they had followed and which had governed them in their relations with each other; those rules they called their customs, and in all that great section of the land of the customary law, even there, you had not any one law, for every great province had its own custom or "coutume," and these different customs or "coutumes" varied in the most important features between one district and the other.

In the other section, the southerly section, you had; it is true, the civil law, and this much was true, also, and to this extent also the civil law held sway throughout the country, that in the land of the customary law when the custom was silent, recourse was to be had to the civil law.

Now of all these varying customs what came to us as the general law in our old Province of Quebec was the law of the "Coutume de Paris," the custom of Paris, and the law adopted by the general ordinances of the French kings as they had force of law throughout France; not, bear in mind, at the date of the conquest, but as they had force of law throughout France in 1663, just one hundred years anterior to the date of the conquest. It was at that date, indeed, that the colony first began to have a definite system of law at all. Prior to that it had been held by a trading company or companies very much as later on large sections of our north-

western territory was held by the Hudson Bay Company. And when his majesty, in 1663 took over the government of the colony into his own hands, he found himself compelled to choose between these differing customs of the land, and he selected the "Coutume de Paris" as the custom that was to prevail in the new colony, and instructed the Superior Council that he established, to administer justice in accordance with that "coutume," and the edicts and ordinances of himself and his predecessors. And from this it followed that insofar as the law as it then existed even in that limited portion of France where the "Coutume de Paris" prevailed, was modified by subsequent edicts or ordinances of the French kings even before the Conquest.

Those edicts and ordinances had not, necessarily, force of law in the old colony, and this because the Superior Council, which I have just said had been instituted to administer justice, played a role analogous to that of the Parliaments in the different districts of France, and it was part of their function to register edicts or ordinances of the king, and absence of registration deprived those edicts and ordinances of effect. And it did happen that not a few of those edicts and ordinances and among them not a few of the most important, never had that registration and, therefore, never had force of law in our Province.

So that, insofar as our law is French, it is that particular law of the "Coutume de Paris" and supplemented by the edicts and ordinances as they were in force in 1663. Our law, therefore, so far as it is French, is not the law of the Code Napoleon, is not the law even of the date of the Conquest, it is a law that goes much farther back than that, and a law which is not, properly speaking, French, since it is the law simply prevailing in a portion of France. So that, in addition to this mixture of law French and law English, you have to distinguish just precisely what is meant by French law and what has been described as the French law.

And then, in continuance of what I mentioned a moment ago, of the principle that where the custom is silent you must go back to the civil law, we have the civil law playing a not unimportant role, that is the Roman law, playing a not unimportant part in constituting the foundation of our legal system in Quebec. I

think I am justified in speaking of it as a composite system of law. We have the English common law as a basis so far as our criminal matters are concerned; we have this French law of the "Coutume de Paris" and the older ordinances so far as our civil law is concerned; we have behind it the old Roman civil law. And then we have a factor that has to be counted, that is the factor resulting from the influence in the Province, after it had come to have a legislature of its own, upon that legislature, of the ideas more largely with regard to commercial matters prevailing in the new north country. And so there we have a sample of English law again so far as purely commercial matters are concerned.

Now out of that all perhaps it would not be unfair to suggest, in this assembly, that it might puzzle even a Philadelphia lawyer to make quite certain whether a practitioner of this system was a common lawyer or a civil lawyer, or a nondescript sort of a lawyer, or perhaps half a dozen lawyers rolled into one.

The complex nature of the law of that Province has been increased rather than diminished by the establishment of the Dominion of Canada and the provisions of the constitution of that Dominion, because there has been, by that constitution, allotted to the central or Dominion Parliament the exclusive legislative competency as regards all matters concerning, in a general way, the regulation of trade and commerce; and then, in a particular way all matters affecting certain of the leading commercial businesses, as for instance, the business of banks and banking and certain of the more important legal contracts such as, for instance, bills and notes. And that Parliament, a great majority of whose members are representatives of the other eight provinces where the English system has full sway, naturally acts under the influence of the ideas of the provinces where that English system prevails, and their action in that direction in dealing with the matters within their competency tends to make the commercial law as it is in force in the Province of Quebec still more complex and still more composite.

I perhaps may say I fairly well realize that I have not succeeded in very much interesting you and I think perhaps I would not make a great mistake if, as I think, having said sufficient to

show you that our law is a composite law, I closed here with my apology for your overtaxed patience. But perhaps you would let me say a word or two of one or two of the peculiar things that we have within the Province of Quebec as the results of our being in the enjoyment of this composite law. But before I proceed to that let me say that that law has come to us in the way that I have indicated; that that law puts us in a peculiar position absolutely distinctive from that of all the other provinces. And though it might at first glance appear that under those circumstances the system was in danger of not being long lived, that the system undoubtedly, so far as any man can judge at the present day will be perpetuated. It will be perpetuated because of the determination to maintain it of the great majority of the population of that province who look upon it as an inheritance come to them from their fathers, and consider it a matter of racial or national pride to retain it and preserve it from outside interference or from being diminished in the full sway which it has enjoyed up to the present time within the limits that I have tried to indicate. And it will be perpetuated, too, I may add, not only because of this racial sentiment of the people who look upon it as a heritage of their race, but because—and I realize what a very dangerous thing that is to say in a gathering like this of distinguished common lawyers, we are a little afraid to say it even at home when we get among the lawyers of the other provinces because the men who have studied it and ordered their lives by its study and its application have come to look upon it as a more effective and more perfect instrument for the bringing about of the observance and the enforcement of real justice between their fellow citizens than any of the other systems, each of which contributes to it and which, from the very complex nature of this particular law to us who study it are necessarily compared with it.

Now I know comparisons are odious and I do not want to press that point. Perhaps I ought to admit, though, that I am on the subject neither an unbiased witness nor an absolutely impartial judge. All lawyers love the system of law which they have studied and practiced just as a soldier loves his sword, as the weapon, and the instrument with which, as advocates they have

fought, or as judges they have striven to secure for their fellow citizens when their rights or interests come in conflict, a decision or determination that shall be in accordance, most perfectly in accordance, with justice.

Having said this much on the subject of that law, its complexity and what we think about it, may I keep you just a moment to refer to one or two of the particular things in which, by reason of our possession of this complex system we, the lawyers of Quebec, find ourselves in a position exceedingly different from that of lawyers in provinces or states or countries where the common law is the basis of the law. And in the first place, perhaps the most remarkable distinction is to be found in the much less importance or weight that we attach to precedent as making law than you do or is done in the provinces where the English law prevails.

Common law, indeed, is a law that has grown up from precedent to precedent; it is in a very large measure a judge-made law. and, therefore, to one accustomed to deal with it it must sound a little shocking to be told that the judgment of no court is binding as a matter of law upon any co-ordinate court, nor, indeed, is any court bound as a matter of law by the judgment of even a higher court. The French lawyers are fond of saying that judgments are good for the man who gets them, and that judgments are very frequently to be cited, not as models to be followed, but as reefs are charted in order that they may be avoided. And in our system it is just as absolutely true that one judgment does not make a jurisprudence as it is that one swallow does not make a summer. I have found myself on more than one occasion when exercising the judicial function in the position of rendering a judgment absolutely in the teeth of what had been held by the Appellate Court and with the result that when my judgment reached that Appellate Court it was confirmed. A judgment, therefore, is not law because it is a judgment; it is law if it is in accordance with the law which is behind it and which the judge was called upon to apply.

Now I do not want to convey the impression that we have no respect for the decisions of our tribunals; I only want to point out to you that a court is not legally bound by the judgment of a court

of equal rank or even by the judgment of a higher court. Of course the judgments of our courts enjoy the very highest respect and when you have a series of them rendered in the same sense by different judges and upon the same question they come in course of time as a matter of practice to be recognized as making a jurisprudence, and they are followed both by reason of the respect that is owing to the tribunals and from the fact that where a jurisprudence has become so established there is not reason to expect that if a man ran counter to a well established law he could have his action in the matter confirmed in the higher courts. But all that is a matter of respect, all that is a matter of consideration of practical convenience; but as a matter of law a precedent does not govern the judge who is called upon subsequently to deal with absolutely the same question.

Now there are other matters if time permitted which it would be interesting to point out, the differences that result from our possession in our province of this particular species or kind of law and the conditions that exist in the other provinces and in common law countries generally.

A point that might be noted is the much greater authority that under our system is given to the commentary or the report of men who have been called upon to draft or put through the legislature any particular law. You will find, for instance, in the French courts when any question arises under their Code Napoleon, they cite as authorities the commentaries of those distinguished men who constituted the body that was charged with the drafting of that Code. In the same way in our province where we have a code of our own we turn habitually to the reports of the commissioners who drafted that code to hit upon its correct interpretation.

I had occasion this morning to mention the fact that in connection with the Declaration of London, it was generally recognized that all great continental powers would read that declaration in the light of the report of Mr. Renault. In doing that they were but doing what it is habitual for them to do under their system of law and which is the every day thing to do in our province of Quebec. In referring to that I mentioned also the strong dis-

sent of most authoritative persons in England from the application of any such doctrine.

There is another matter on a most interesting subject and with regard to that I might perhaps hope to interest the ladies, and that is the law that governs the respective rights of husbands and wives in the absence of any contractual provision, which establishes among them that somewhat unique species of partnership which is generous to the wife in that it makes her an equal sharer, generally speaking, in all the earnings and gains of the husband but which is a partnership over which he remains absolutely master of her share as well as his own as long as it lasts. (Laughter.) And the insistence that even with regard to her own particular property she should make no valid transaction without the authorization of her husband. Now I am sure that is a law that would not meet with the approval of those who look for the emancipation of woman, and who are insistent, as so many of our ladies are today—and I am not going to say they are wrong about it, I never say I think the ladies are wrong, what I think might perhaps be another thing—but who are so insistent upon the franchise and upon their standing on a footing of equality with men. Throughout all that law of ours runs the very old fashioned idea that is expressed in the words “*Vir est caput mulieris*,” the husband is the head of his wife; and because he is the head of his wife he has to be consulted in all her transactions.

Now as I said I am sure not only that that notion would not serve to commend this system of law to the ladies but I am not quite sure that it would so commend it even to the mind of the trained lawyer, and that the trained lawyer even in our system if he is also a trained husband is not tempted by the maxim to say with Dickens’ immortal beadle, Mr. Bumble, when a somewhat similar idea was suggested to him in another form as prevailing in the English law, that the law is “A ass, a idiot, a bachelor.”

And now, in all earnestness and seriousness I feel that I have quite too long taxed your patience and I am actually going to conclude. But before I sit down let me repeat my word of thanks and of appreciation of the good things that have been said of my country. Let me also renew my thanks to you, Mr. Toastmaster, and

to the members of the Illinois State Bar Association for having given me this opportunity of meeting them and their friends, of listening to the very interesting and instructive papers that we have heard today and, above all, of having my share in the unbounded hospitality that has characterized this evening and my share in the equally unbounded hospitality that has been showered on me and mine since I set foot in Chicago.

We all up in our country have the pleasantest of recollections of the visit to Montreal some two or three years ago of the American Bar Association. Henceforth those recollections will be for me doubled by the memories of my pleasant sojourn here in Chicago. We have preserved the recollection of that visit and we have ventured to entertain the hope that it might be repeated. While we are waiting for that visit from the larger body may I be permitted as the sole representative here of the Canadian Bar to say that we would be more than overjoyed, that there would be for you the warmest of welcomes if that important section of the American Bar, the Illinois State Bar Association, would just take it into its head to pay us a visit. (Applause.) Won't you come now? I remember that when our friends of the American Bar Association were taking their leave somebody said as a last word: "Will you no come back again?" The sentiment was unanimous but, after all it struck me that in its expression there was something of the Scotch prudence that realized the possibility, that even almost anticipated a negative answer. Now let me say to you in the words of a poet of my own race, the race that in matters of the heart never takes no for an answer:

"Come, come in the evening or come in the morning;
Come when you're looked for or come without warning.
The warmest of welcomes will be there before you,
And the oftener you come, the more we'll adore you."

(Applause.)

THE PRESIDENT: Mr. Minister, I want again to thank you on behalf of the Association for your presence with us, and cordially to return the wish that we may visit you by saying that we hope you may be often with us.

Ladies and Gentlemen, I want to call your attention on the last printed page in this programme, to the list of the officers and

the Board of Governors, and I want to take occasion here to say that so far as the past year has been a successful one it is in no small degree due to the very cordial co-operation of the vice-president of the Association, Mr. Albert D. Early; to the untiring industry and cordial support of Mr. Voigt, the secretary and treasurer, and to the loyal and painstaking efforts upon the part of the Board of Governors, and I take this occasion to thank them each and all for the help they have given me during the year.

And now, as the evening draws to a close, I want to thank you one and all, for having come here tonight. It is an occasion of double celebration for me, the celebration of the completion of my year as your president, the fortieth year of the Association, and it also happens to be my birthday. (Applause.)

MR. PAGE: How old are you?

THE PRESIDENT: I'll not tell that. As I looked about at the beginning of the year and saw Harker and Holdom, Gregory and Page, Bancroft and Tenney, Higbee and Kramer and the other distinguished presidents of this Association and realized what they had accomplished for the profession of this State I realized that I had a task before me. But I hope that, now the year is gone, I may be able to close my administration with the words of De Tocqueville when he quoted Corregio and said, "I, too, have been a painter."

I feel that we have had a good year together, that we have accomplished much for the benefit of our common profession, and I hope that our relations may always be as cordial and delightful during the years that are ahead for us as they have been in the past. (Applause.)

And now, ladies and gentlemen, I have the great pleasure of presenting to you the incoming president of the Association. Brethren of the Bar, behold your president; Mr. President, behold your brethren. (Applause.)

MR. ALBERT D. EARLY: Mr. Toastmaster, Ladies and Gentlemen: I think first I should speak as the vice-president for the executive committee, which afterwards became the Board of Governors by adoption of a new by-law following the incorporation of this Association. I know for each one of us it has been a most

pleasant year, a most useful year and a year none of us will ever forget because of our association with Mr. MacChesney, the president. He speaks of what has been accomplished, that much has been accomplished through the labors of what might be called his cabinet. But I assure you whatever we did, or whatever any one of us did, was done at his suggestion and at his request. I know each of us has marveled at his planning, his broad conception of what was best, and if credit is due, and great credit, I think, is due the Association for what has been done this last year, the credit of it all is due to Mr. MacChesney. (Applause.)

The subject given me is "The Next Administration." Governor Dunne has left. I presume he would like to know something about the next administration at Springfield. If I asked Senator Lewis what the next administration would be at Washington he would confidentially tell me what he expected it would be. If I went down on Michigan avenue I know I would find a hundred who would tell me exactly what the next administration would be. But if this subject means what will be the next administration of the Illinois State Bar Association, I know that the governors whom you elected today would request me to say, let the labors of the year speak for the administration one year hence, and so I will.

I wish to repeat what I said this afternoon when the teller announced that I had been elected president, that I thank the members of the Illinois State Bar Association deeply for the high honor they have conferred upon me, and I will endeavor to do my duty.

The Fortieth anniversary meeting of the Illinois State Bar Association is adjourned sine die.

PART II

ADDRESS OF

NATHAN WILLIAM MACCHESNEY, Esq.

FORTIETH ANNUAL MEETING OF THE
ILLINOIS STATE BAR ASSOCIATION
CHICAGO, JUNE 1ST, 1916

UNIFORM STATE LAWS

A MEANS TO EFFICIENCY CONSISTENT WITH DEMOCRACY.

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OUTLINE.

UNIFORM STATE LAWS—A MEANS TO EFFICIENCY CONSISTENT WITH DEMOCRACY.

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I. INTRODUCTION—WORLD TENDENCIES.

The upheaval of the World War has affected not only the mighty nations in death grip with each other, but has caused an upheaval in what have heretofore been considered certain fundamental conceptions the world over. It cannot be doubted that the World War has caused and is causing a profound disturbance, not only in the relations of the nations involved, but in the world conceptions of law, religion, and morality, and is bringing the people of the world to see what has always been apparent to students of the subject, that no conceptions with reference to life are fixed, but that they are forever in a state of flux. It behooves us then as citizens of a great democracy to lay aside our racial pride, our national self-conceit, our preconceived notions, and our personal prejudices, and to re-examine to some extent in the light of recent history the structure of our Government, the events that led to its formation, its underlying principles, and what if anything we may do to strengthen and preserve those features of it which to us make it dear above other nations.

It may be asked, Why should we toil laboriously among the pages of Burke, of the Federalist, of De Tocqueville, of Lieber, of Bryce, of Pound, and of Wigmore, when the apparent answer to any questions that may have arisen in our minds is to be found in the morning paper? And yet, if our country is to live up to its traditions, is to achieve its finest possibilities, men such as we must stand for the proposition that oftentimes more is to be learned of the tendency of current events from the cloistered study of the masters than from the startling paragraphs of the day. Many believe that democracy itself at the present time is again on trial, and it is everywhere heard that efficiency in Government, as efficiency in business, must be secured at all hazards, at any cost. But may not too much be sacrificed for it, and too high a price

paid? Increased efficiency is certainly to be desired. Is it contradictory to, and impossible of realization in, a democracy? What is a democracy? Is it threatened by the current tendency of the world political life? Can it maintain itself as against more centralized forms of Government? How can it be made efficient so that it may at once maintain itself against more autocratic forms of government, and at the same time realize its own largest possibilities? These are certainly some of the questions that may have occurred to any thoughtful student of the day.

II. NATURE OF DEMOCRACY.

When the Government of the United States was founded, it was the greatest experiment ever attempted of a democracy, which has always been thought better adapted to closely confined small areas than to wide-spreading continental countries. Nevertheless, democracy found its most favorable soil in a new country needing development. We are told by Montesquieu¹ that democracy is best adapted to barren countries where the earth has occasion for all the industry of men, and where they can be rewarded thereby for the difficulty of their labor. With the growth of a country in population and in wealth, the advantages of democracy while no less real are less apparent; while, on the other hand, the defects of such a government stand out with increasing clearness. I wonder if we realize the advantages for the preservation of our democracy which have been given us as a result of the jealousies of the original Colonies; not to base it upon the wisdom of our forefathers, as is so frequently done, and to which in some measure it must be conceded they are entitled. The adjustment between State and Nation growing out of our Colonial conditions and perpetuated by our Federal Constitution is today a necessary safeguard of our democracy and a guarantee of continued National existence. It is true that the old State rights represented localism, or provincialism, if you please, as opposed to nationalism or continentalism. But today the development of the State is needed, as it was then, to avert centralization of Government; not to weaken the Nation,

¹ Montesquieu, "Spirit of Laws," Book XVIII.

but in order that there may not be subverted in it all that is truly National in our common life. In order, in fact, that the ideals of the Nation and the promise of our democracy may be fulfilled to the fullest possible extent. It was long ago pointed out that local institutions are useful to all nations, but that they are indispensable in a democracy. A powerful aristocracy can always control excesses and suppress movements which do not serve the common end. But unless a democratic people are trained through their local governments near at home to exercise the functions of government, and to practice self-restraint, they cannot in such numbers become familiar with the practices and necessities of government as to make successful a national democracy. We are told by De Tocqueville:²

"What resistance can be offered to tyranny in a country where every private individual is impotent, and when the citizens are united by no common tie? Those who dread the license of the mob, and those who fear the rule of absolute power, ought alike to desire the progressive growth of provincial liberties.

"On the other hand, I am convinced that democratic nations are most exposed to fall beneath the yoke of a central administration, for several reasons, amongst which is the following: The constant tendency of these nations is to concentrate all the strength of the Government in the hands of the only power which directly represents the people, because beyond the people nothing is to be perceived but a mass of equal individuals confounded together."

Laws passed by the people of the several states, while now seeming to tend toward national dis-unity, may by proper co-operation be brought to promote the very unity which at first impression they would seem to destroy. The distant and the unattainable does not much interest most men, and no law could interest men in government who take no interest in it. But when brought near enough to the people, it may arouse in them a desire to know their Government and to participate in it. They may even become so interested in it that they may come to regard it as a part of themselves, and by becoming part of their daily life

² De Tocqueville, "Democracy in America," Chapter 5, page 94.

it will promote the interest in public affairs which would otherwise be absent. We have been told by De Tocqueville:^{*}

"In the United States the interests of the country are everywhere kept in view; they are an object of solicitude to the people of the whole union, and every citizen is as directly attached to them as if they were his own. He takes pride in the glory of his nation; he boasts of its success, to which he conceives himself to have contributed; and he rejoices in the general prosperity, by which he profits. The feeling he entertains towards the State is analogous to that which unites him to his family, and it is by a kind of egotism that he interests himself in the welfare of his country."

Whether this be a wholly fair analysis of the reason for American patriotism, or not, there can be no doubt that it is a contributing influence.

With age, growth of population, and accumulation of wealth, a general Government is sure to acquire immense power, and if with this is united the daily administration of affairs close to the people, the people themselves become habitually accustomed to governmental interference, and consequently not only in the matter of laws to be enforced but in opinions upon all subjects accept from the central power, the line of conduct to be followed, desired acts to be achieved, and the methods by which they are to be accomplished.

Instead of bemoaning the fact, therefore, that in America law enforcement is not easy, we should rather, without palliating the violation of measures intended for the common good, glory in the fact that individuality of opinion and freedom of conduct is preserved. Only so can a sound public opinion be maintained and the ideals of the people for and in their Government be achieved. If it were not true, the people would become less and less capable of governing themselves, and more and more dependent upon a strongly centralized power. And the growing incapacity of the people to properly control and direct the tendency of the Government would constantly increase the need if the power of centralization were in force and by the constant exercise of its power de-

^{*} De Tocqueville, "Democracy in America," Chapter 5, page 92.

prived the people of independent thought and action. With reference to this situation, we have been told: *

"Granting for an instant that the villages and counties of the United States would be more usefully governed by a remote authority which they had never seen than by functionaries taken from the midst of them—admitting, for the sake of argument, that the country would be more secure, and the resources of society better employed, if the whole administration centered in a single arm—still the political advantages which the Americans derive from their system would induce me to prefer it to the contrary plan. It profits me but little, after all, that a vigilant authority should protect * * * and constantly avert all dangers from my path without my care or concern, if this same authority is the absolute mistress of my liberty and of my life, and if it so monopolizes all the energy of existence that when it languishes, everything languishes around it; that when it sleeps, everything must sleep; that when it dies, the State itself must perish."

It is peculiarly necessary in a Government such as ours that democracy be developed to its fullest extent, as not only is there no responsible desire to develop an aristocracy, but it would be impossible to secure the advantages of it. Some of our critics, both olden and recent, have apparently contrasted the advantages of a responsible, educated, aristocracy with the difficulties attending upon the successful administration of a democracy, entirely forgetting, apparently, that our choice, even if we desired to make it, would not be between such an aristocracy and a democracy such as ours, but between a plutocracy, which God forbid, and a representative democracy. Our attention was called to this matter long ago by De Tocqueville: *

"Land is the basis of an aristocracy, which clings to the soil that supports it; for it is not by privileges alone, nor by birth, but by landed property handed down from generation to generation, that an aristocracy is constituted. A nation may present immense fortunes and extreme wretchedness, but unless these fortunes are territorial, there is no true aristocracy, but simply the class of the rich and that of the poor."

More recently the difference in the feeling of social responsi-

* De Tocqueville, "Democracy in America," Chapter 5, page 80.

* De Tocqueville, "Democracy in America," Chapter 2, The English Colonies in America.

bility between an aristocracy and a plutocracy has been commented upon by certain investigators with reference to the "honor system" in American universities, when it was found that the honor system worked well in certain institutions in the South, where the young men came from the larger landed interests, or from the West, where they were brought up upon the farm and had an attachment to the soil; but worked illy in institutions where the students were drawn from the commercial classes of the great centers of population.

This country does not desire an "aristocratic liberty," but rather a democracy reaching to every desirable citizenship through the pride in the hearts of each of its citizens. It does not desire to have law enforcement and liberty achieved through a "physiognomy of servitude," but rather through a familiarity with the processes of government and a pride in them which shall make every man do his duty to his community. The "State's rights," which were advocated in the South to keep the central power weak, should now be rehabilitated as a political doctrine to make the nation strong through service of its citizens everywhere.

It has some times been said that Montesquieu^{*} did not believe in a general union of the States; that he was in fact opposed to republicanism, but Alexander Hamilton shows the mistake of this when he says:[†]

"So far are the suggestions of Montesquieu from standing in opposition to a general Union of the States that he explicitly treats of a Confederate Republic as the expedient for extending the sphere of the popular Government. * * * We find by going to this authority himself that he says:

"It is very probable that mankind would have been obliged at length to live constantly under the Government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a Republican, together with the external force of a Monarchical, Government. I mean a Confederate Republic.

This form of Government is a convention by which several small States agree to become members of a larger one which they intend to form. It is a kind of assemblage of

^{*} Montesquieu, "Spirit of Laws," Volume I, Book 9, Chapter 1.

[†] Alexander Hamilton, *Federalist*, 5th Section, 5th Series, 1787,

societies, that constitute a new one, capable of increasing by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body.

A Republic of this kind able to withstand an external force may support itself without any internal corruptions."

Alexander Hamilton ⁸ also calls our attention to the advantages of a Confederate Government by observing the principle laid down by some students of democracy that they should be small in extent and at the same time giving us the advantage of a national existence.

The inevitable tendency of National life, as in individual life, is from the innocence and bloom of youth, from simple conditions, to the passions and complicated affairs of manhood. We must not let the passionate desire for improvement terminate in impotence and befuddlement, nor, in worshipping the statue of American Liberty forget the spirit which it represents, but should rather through an architectonic genius which shall be worthy of our forefathers realize under new conditions from its changing forms our new ideals in accordance with the best traditions of the past. The growing consciousness of American nationality and the passionate desire for it in view of what sometimes seems to be the divided faith of our people should find expression in and be encouraged by a more uniform justice without impairing the local liberties of our people.

In our desire to secure a larger national efficiency, let us not demand an abridgment of the rights of the State, from which would inevitably flow a centralization which would necessarily ultimately destroy the democracy of our people; but realize that the States through the creation of common ideals and the enactment of common laws may become energizers of our common life, stimulators of our trade and industry, promoters of good will among our people, and the creators of mutual acquaintance, esteem and unity of purpose throughout the Nation. It should never be forgotten, by the Bar at least, that a democracy and safeguards against the tyrannical majority, as found in our plan of Government, are as essential today as they ever were in our history, and

⁸ "Publius"—Federalist—To the People of the State of New York.

that this may be achieved not by a democracy which shall take all and give nothing, but by a democracy such as Edmund Burke describes, when he says:

“Universal service through universal desire, enforced by common will through common purpose to fulfill a common duty.”

III. DESIRE FOR EFFICIENCY.

The desire for efficiency in our Government is both natural and laudable, especially as it would seem that not only does the lack of it prevent its realizing its highest possibilities, but threatens the existence of democracy itself. There are those who believe that democracy and efficiency are contradictory principles, and cannot co-exist in the same government, but Montesquieu, and De Tocqueville, and Burke believed that our Federal plan gave promise of securing the one without sacrificing the other, and Washington and Hamilton and Madison drew freely from these sources to support their contention that this was true. The great wealth of material interests in this country and the commercial development of our people has tended to make us give too exclusive attention to business prosperity and too little to a studious review of the tendencies of our Government. The business man, type and exemplar of our National life, as he has often been, has too easily tended to draw an analogy between the necessary efficient organization in his wide-spreading business and desirable changes in our national life by way of centralization to accomplish what he saw to be a needed efficiency and what he believed could only be achieved in that way. We have been told:

“Men living in democratic countries eagerly lay hold of general ideas, because they have but little leisure, and because these ideas spare them the trouble of studying particulars. This is true; but it is only to be understood to apply to those matters which are not the necessary and habitual subjects of their thoughts. Mercantile men will take up very eagerly, and without any very close scrutiny, all the general ideas on philosophy, politics, science, or the arts, which may be presented

to them, but for such as relate to commerce, they will not receive them without inquiry or adopt them without reserve.”*

It is entirely conceivable that a man might become a great steel magnate or a successful manufacturer of means of transportation, and still his views be wrong upon questions relating to the best form of national government or of desirable international policies.

Let us turn rather to the acute critics of other countries who have studied our institutions, or to the great students of public affairs in our own land, who have delved deeply and observed wisely the tendencies of political institutions, not only today but yesterday, and in past ages throughout recorded history. We must not too hastily adopt forms of government which produce desired ends elsewhere, but which may violate the spirit of our institutions, or the ready-made opinions of so-called students here, who but copy that which they do not understand. The tendency of the United States in recent years has changed from a bumptious provincialism when foreign experience was ignored, quite contrary to the example of our Revolutionary forbears, who studied and analyzed closely and adapted wisely, to a condition when English or German or French precedents are accepted by so-called students without adequate study or experience to understand them or adapt them to American conditions. No one can profitably apply a foreign example or foreign experience to American conditions unless he has studied so closely or knows so well the spirit of our institutions and the needs of our people as to be able to adapt them to both so as to without violation to the one meet adequately the other. Only thus can we hope to guide our Government in such a way as to get desired results without sacrificing our fundamental conceptions of liberty and of government.

IV. FORMATION AND UNDERLYING PRINCIPLES OF OUR GOVERNMENT.

There are certain conceptions with reference to the formation of our Government which pass current as the inherent principles upon which it was founded.

* De Tocqueville, "Democracy in America," Volume II, Chapter 4, page 21.

We inherited the common law from England and its doctrines have been intrenched in our State and Federal constitutions, including the Fourteenth Amendment, so that it is beyond the reach of ordinary State action, and could be dislodged if it were desired only by amendment of the Federal Constitution. It is sometimes assumed that this was the universal aim and desire of the founders of our Government, but Roscoe Pound¹⁰ tells us:

a. COMMON LAW.

"This was not achieved without a struggle. Jefferson in 1815 denounced the common law doctrine of *supremacy of law* when applied by courts in holding legislative acts unconstitutional, as a theft of jurisdiction. Virginia, Kentucky, Pennsylvania, Georgia, and Wisconsin denounced it. A strong opinion to the contrary was pronounced by an able judge.¹¹ As late as 1833 it was seriously proposed that the Federal Constitution be amended to provide a special tribunal for the determination of questions as to the authority of Congress and of the several States under the Constitution. In addition to this far reaching principle which fixes the common-law doctrine of supremacy of law in our institutions, the common-law dogmas of inviolability of person and property, of the local character of criminal jurisdiction, of due process of law—a phrase as old at least as the reign of Edward III¹²—that private property cannot be taken for private use, nor for public use without due compensation—a doctrine as old as Magna Carta—that no one shall be compelled in any criminal prosecution to be a witness against himself, and of the right of trial by jury, with all that was meant thereby at common law; all these dogmas are protected in State and Federal Constitutions so as to be substantially beyond the reach of legislation. * * * Superficially, then, the triumph of the common law seems assured. Nevertheless, jurists are by no means certain that this is so. The most obvious danger, and the one most frequently adverted to, is legislation. * * * I cannot think, however, that there is any real cause for apprehension from this quarter. I come to such a conclusion for two reasons. In the first place, there is little legislation that is original. Legislatures imitate one another. * * * Secondly, every-

¹⁰ Roscoe Pound, *Columbia Law Review*, Volume V, page 341. (May, 1905.)

¹¹ *Eakin v. Raub* (Penna. 1825), 12 S. & R. 330.

¹² 37 Edw. III—Cap. 19, 21.

thing indicates that codification, as such, is still far remote. The gradual codification now in progress is but a legislative restatement of particular departments of the common law. It promotes unity. It does not affect the system itself—its basic dogmas and tenets—in the least. Each statute is but a fresh starting point for a new body of case law. Moreover, general codification, when it comes, is almost certain, unless an entire change of feeling intervenes, to be a restatement of the common law in improved form, pruned of archaisms and antimonies, to be construed according to common law principles, and in due time to be overlaid by a new growth of adjudicated cases.”

So far, then, as we may believe that the principles of common law are fundamental to our institutions, if we are to believe this great authority, we may regard them as fixed in our basic law itself.

b. ECONOMIC BASIS OF THE CONSTITUTION.

Discussions of our basic law often assume that our Constitution and all that was incorporated in it became such by a sort of divine revelation to our forefathers, and completely ignore the actual facts of life which in large measure gave rise to its particular form. This neglect of the actual facts and conditions out of which the events arose which produced our history is most pronounced in the fields of public and private law. Until very recently the reason for this has been perfectly apparent. The time of the Bar of the country, the principal body of men devoted to the study of these subjects, has been devoted to “practical” ends, and only comparatively recently has a scientific study been made of the underlying principles giving birth to our fundamental legal concepts. Even now it is difficult to get proper attention given to these subjects in the important law schools, and the case system of teaching, notwithstanding its undisputed superiority, tends to still further discourage an adequate study of the underlying principles of the law. There has been no adequate attempt to render these materials available until very recently, and it is to be hoped that there will be a growing interest in the careful scientific study of

to our political institutions and legal system, so that our on-coming generation may approach the subjects in a progressive spirit.¹²

Beard¹³, in his illuminative study of the underlying causes giving rise to the Constitution of the United States and of Jeffersonian democracy, says:

"There are three interpretations of history:

First, explains the larger achievements of national life by referring to the peculiar moral endowments of the people acting under divine guidance, the working out of a higher will than that of man.

Second, the Teutonic—ascribes the wonderful achievements of the English speaking people to the peculiar political genius of the Germanic race, and

Third, is characterized by absence of any hypothesis, but regards rather the political conceptions of the people as explainable by the particular facts, one of these is the theory of economic determinism.

Says Professor Beard:

"The absence of any consideration of the social and economic elements determining the thought of the thinkers themselves is all the more marked when contrasted with the penetration shown by European savants. * * * Indeed almost the only indication of a possible economic interpretation to be found in current American jurisprudence is found in the writings of a few scholars like Professor Roscoe Pound, and Professor Goodnow, and in occasional opinions rendered by Mr. Justice Holmes of the Supreme Court of the United States."

Whatever we may have been brought up to believe, or may

¹² See Goodnow—*Social Reform of the Constitution*, Philosophy of Law Series, published under the direction of the Association of American Law Schools; see also the writings of John H. Wigmore in the *Illinois Law Review*, by Roscoe Pound in *Columbia Law Review*, Vol. V, page 339, Green Bag, Vol. XIX, page 607, *Columbia Law Review*, Vol. VIII, page 605, *American Law Review*, Vol. XLIV, page 12, and by Professor Munroe Smith, "Jurisprudence" in *Columbia University lectures*, in Arts and Sciences.

¹³ Beard, Chas. A. "An Economic Interpretation of the Constitution of the United States" (MacMillan Co., 1913); also "Economic Origins of Jeffersonian Democracy" (MacMillan Co., 1915.)

have been taught in our earlier days, in the light of these and other recent studies, it cannot be doubted that our Government, while desiring to cut the political ties of Great Britain, desired to retain the common law as administered there, and the conceptions of property rights out of which it grew. An economic study of the Constitution reveals undoubtedly the fact that it was a triumph for the property class over the propertyless. It is well to keep this in mind in a study of our institutions and in a discussion of means whereby the desires of the people may be met. The residuum of power and the means to accomplish the end desired is inevitably found in the government of the respective States.

C. DIVERSITY OF LAW.

Formed as our Government was of the confederation of separated colonies, it began its national existence with a wide diversity of laws, which it had inherited from the period before 1776 as the result of the widely varying geographic, social, economic, and political conditions of England and of America. The various colonies reserved the right to adapt or to apply the common law of England so as to bring it in harmony with the wants of American society.¹⁴ The laws by which the English Colonies were governed when they emerged from colonial conditions were:

1. Common law of England so far as they had tacitly adopted it as suited to their conditions, or expressly by statute at this or subsequent time.

2. The statutes of England or of Great Britain amendatory of common law which in like manner they had adopted, either tacitly or expressly.¹⁵

3. The Colonial statutes adopted by the legislative bodies of the Colonies themselves.

These, with the complex system of case law built up long ago, has produced a diversity which justifies not alone the popular

¹⁴ Article by James F. Colby, "Necessity for Uniform State Laws." Forum, July, 1892, Vol. 13, 36.

¹⁵ *Illinois* adopts all English statutes enacted prior to fourth year of James 1st, with certain exceptions.

description of it as legal chaos, and makes it even for experts "a wilderness of single incidents," but taxes the human capacity to even superficially read, not to speak of analyzing or understanding, them. If anyone has any doubt about this, let him read a very illuminating address on this subject delivered before the Illinois State Bar Association by Professor Warren of Harvard University under the title of "The Welter of Decisions."¹⁶

As already has been said, much of this diversity was justified by the widely differing conditions between those existing in England and in the American Colonies, and between the conditions in the various Colonies themselves, which found a very natural and inevitable expression in the statute law, and the decisions of the courts of the various Colonies. Can it be said, however, that the conditions of today with reference to the industrial, commercial, social, or political, life of the people are so different as to any longer justify even the diversity which then existed, not to speak of its constant ramifications since then, but has not the common life of the people become co-extensive with the territory of the United States so that a uniformity of its laws, if it can be brought about without imperiling the fundamental conceptions of its institutions, is not alone to be desired, but is imperative.

Professor Colby¹⁷ has said that some fear:

"A systematic movement in the direction of uniformity may destroy the * * * individuality of the States; that even a self imposed uniformity tends to centralization, and is opposed to the excellent principle of self government."

This fear applies rather to Federal legislation, which would break down the legislative boundaries between the States, and not at all to State legislation even though it may be uniform, especially if only matters of general concern are dealt with, and such statutes may be changed at will by the respective states. It may be said, however, that it is useless to attempt to bring about

¹⁶ See Illinois State Bar Association Report, 1916; also X Illinois Law Review, 472.

See also address by Professor Samuel Williston, of Harvard, on Uniform Partnership Act before Law Association of Philadelphia, December 18, 1914.

¹⁷ Forum, Vol. XIII, p. 36.

a uniformity between the states in order to express the National unity, for the law may be changed at will by the various State legislatures, which have "the natural fecundity of low organisms." However, this fecundity of legislation is checked by the desire to preserve the advantages of unity wherever secured, and once the attention of a given legislative body is called to the fact that a statute it has upon the books of a particular State is identical with like statutes in other States similarly situated it will be difficult to change it. The American Bar Association said in 1891:¹⁸

"The argument for greater legal unity lies in the national unity. Our people today in their business, contractual and commercial, relations are one people. They are one in a unity such as never before existed in this or any other great country."

It is neither designed nor desired, as President Wilson said when Governor of New Jersey before a convention of State Governors in Louisville, to have the diverse social institutions of widely separated communities in a great country like this reduced to a common level¹⁹; it rather is desired to do away with that uncertainty of the law, which Burke has described as the "essence of tyranny" because no man can know it and every man feels oppressed by the hopeless effort necessary either to become acquainted with it, or to attempt to obey its provisions. As we have before said, this is an argument, not for unification, but for uniformity of law. One of the advantages in attempting to cure this diversity—and no mean one—by uniformity secured through various State enactments rather than by Federal legislation, is that it retains for the country much of the advantage of individual initiative, and so forwards improvements which might be killed by complete standardization, which is neither desirable nor likely in any conceivable period of time to be achieved. The local State Governments give the opportunity for experimental legislation where desired, which if it had to be adopted for the country as a whole might be either untried, with the result that much progressive legis-

¹⁸ American Bar Association Reports, 1891.

¹⁹ See Law Notes, February, 1911, Vol. XIV, p. 205.

lation might fail, or which, because of the wide extent of territory and diversity of conditions sought to be controlled, might prove disastrous. The wide diversity also of this legislation because of its uncertainty necessarily constantly gives rise to litigation, and it should not be forgotten that interpretation in advance by legislation tending to make the law uniform and well-known throughout the country is both speedier and cheaper than litigation.²⁰

Mr. Jeremy Bentham delighted to call President Madison, to whom he sent his ambitious and impossible scheme for the unification of the law in the United States, but who declined to submit it to Congress, by the title of Mr. Eitherside. Whatever we may now think of the scheme of Bentham, certainly the diversity of laws now existing in the United States would fairly make possible such a designation of the average opinion with reference to any given question where more than one jurisdiction is involved.

V. NEED FOR A PHILOSOPHY OF LAW.

What is needed in the United States is a scientific study by the Bar of our fundamental American institutions in the light of recent criticism in history, political science, sociology, economics, and criminology; a development of a philosophy of the law familiar throughout the country; and a programme or continuing policy over a long period of time which shall bring about the specific results desired. Professor Roscoe Pound has written²¹:

"Men have changed their views as to the relative importance of the individual and of society; but the common law has not * * *. We no longer hold that society exists entirely for the sake of the individual. We recognize that society is in some wise a co-worker in what he is and in what he does, and that what he does is quite as much wrought through him by society as wrought by himself alone. * * * We are not so much concerned with the liberty of each, limited only by

²⁰ See address on Uniform Negotiable Instruments Law by John C. Richberg before Illinois State Bankers Association, December. 15, 1904.

²¹ See Roscoe Pound, "Do We Need a Philosophy of Law?" Columbia Law Review, Vol. V, page 341. (May, 1905).

the like liberties of all, as with the welfare of each, achieved through the welfare of the whole, whereby a wider and surer liberty is assured to him. The common law, however, is concerned, not with social righteousness, but with individual rights. It tries questions of the highest social import as mere private controversies. * * * And this compels a narrow and one sided view."

If this be true, and who will deny it, it makes it all the more important that we should understand the tendencies of our law and attempt to correctly embody them in legislation, trying any experiments first in some of the less populous States, then creating uniformity by passage of similar statutes throughout the Union.

a. REASONS FOR LACK OF IT.

There are many reasons why our people have not developed such a philosophy of law, too lengthy to go into at the present time. The average Anglo-American lawyer thinks that these conceptions adhere in nature, and for some reason the idea of universality does not appeal to him as it does to Continental jurists, or those accustomed to Latin systems of jurisprudence.²² He has a contempt for a philosophy of the law, and for general legal theories. Professor Pound tells us that Lord Esher thanked God that English law was not a science, and Professor Dicey tells us that "Jurisprudence stinks in the nostrils of the practicing barrister."²³ This is even more true in the United States where commerce is God, and the priests in the temple of Justice, too, become its devotees, judged oftentimes by like standards and with little or no time or inclination for studious pursuits, scientific investigations, or philosophical ideals. Due to this very spirit and to the lack of study which our problems therefore have had by men of the first ability familiar with the needs, the United States has lagged far behind other great countries in a proper development

²² See article by Roscoe Pound, "Uniformity of Commercial Law on the American Continent," *Michigan Law Review*, December, 1909, Vol. VIII, p. 91.

²³ *5 Law Magazine Review* (4th Series), 286.

of uniform laws or commercial codes, a proper organization of courts, or a simple and reasonably understandable system of legal procedure, all of which would contribute much to the expeditious transaction of business, once it could be brought about.

b. CODIFICATION.

By this I do not mean to advocate or favor codification, which in the general sense I believe to be thoroughly undesirable. But surely within the field of commercial law, and probably also within the field of certain other well recognized subjects having to do with the common life and desires of our people, uniformity is both feasible and desirable. A code, in the sense of a substitute for the common law and for its flexibility in dealing with commonly arising questions, as has already been pointed out, is not likely to come about in this country, and the failure of the New York codes to present a model of proper code making has put the period still further in the future than it otherwise would have been, and as I have already said, it is not likely to come about within any conceivable period of time, even though it might be desired. In any event, such general statements upon all subjects are more apt to appeal to the lay than the legal mind, and have been described as "the layman's panacea, and the lawyer's dragon."²⁴ Such codification as is here advocated in any event is of particular fields of the law based upon and incorporating the common law, capable of judicial interpretation and enlargement, and passed by the several States, not by the central Federal Government, and so capable, if necessary, of modification to meet the needs of the people of a particular locality, which power, however, should and would be exercised but sparingly in view of the patent advantages of a uniform statute.²⁵

²⁴ Jessie W. Lillenthal, 1 Harvard Law Review, 232.

²⁵ For an interesting discussion of further possibilities of uniformity, see: Article by John H. Wigmore, "The International Assimilation of Law—Its Needs and Its Possibilities from an American Standpoint," a paper read at the second Pan-American Scientific Congress at Washington, January 4, 1916, X Illinois Law Review, 385.

C. UNIFORMITY, NOT UNIFICATION, OF LEGISLATION AND JUDICIAL INTERPRETATION.

And again let me call your attention to the distinction between uniformity here advocated and unification under Federal enactment, which might achieve efficiency, but would force all into a common mold and prevent further growth, and this uniformity calls not alone for uniformity of legislation, but in order to be effective also for uniformity of interpretation by judicial construction. In speaking of the question of uniformity Lord Chancellor Herschell, in 1894, said of the English Bills of Exchange Act,²⁶:

"There is, I believe, a common agreement that the code embodying the law of 'negotiable instruments,' has been of great utility. It has given rise to very few questions requiring decisions by the courts, and it has put beyond controversy not a few that were in doubt. * * * A similar code for the United States will be, I think, a boon for the commercial community of both countries."

Judge Schofield has said that²⁷:

"It may be asserted with confidence that the best minds which have labored upon the common law have stood for its unity. In *Norrington v. Wright*, an action by an English merchant against a firm of American merchants upon a contract for the sale of and delivery of iron rails, Mr. Justice Gray gave the weight of his name to the statement that: 'a diversity in the law, as administered on the two sides of the Atlantic, concerning the interpretation and affect of commercial contracts of this kind is greatly to be deprecated.'²⁸ If that be so, how much more is diversity in the common law as administered in the different States of the Union to be deprecated and avoided if reasonable means can be found to prevent it. * * * The great and controlling question, however, is not what cases, out of the mass of reported decisions, shall be accepted as authority, but in what manner the cases shall be studied and used. If they are habitually studied and used by the Courts and the Bar as illustrations, and valuable only for the principles embodied and applied in them, little

²⁶ See article by Lyman D. Brewster, Feb. 1897, VI Yale Law Journal, 132.

²⁷ William Schofield, Apr., 1908, 21 Harvard Law Review, 416.

²⁸ See 115 U. S., 1888; also Sir Frederick Pollock, "The Vocation of the Common Law."

danger will result from the increase in their number. * * * The time has come when this course must be adopted more generally and applied more vigorously if the law is not to be lost in the mere accumulation of cases."

What would tend to bring about more nearly this uniformity than the careful study by competent lawyers of the weight of authority on any questions or any given subjects in this country, and the embodiment of that interpretation in a uniform statute which shall be a legislative restatement of the law as a new basis for judicial interpretation carried out in a spirit of uniformity and controlled by the majority rule of interpretation in the courts of the respective States.

VI. MOVEMENTS OF SOCIETY FROM DIVERSITY TO UNIFORMITY.

Uniformity of law has been a topic of interest from the early times of this country. This interest became acute as we passed from the canoe to the prairie schooner, to the stage-coach period, and from the stage-coach period to the railroad, and is becoming daily of ever increasing importance as the life of each State becomes more civilized and complex, and the laws necessary to meet the changed conditions become more complex and voluminous. The causes underlying the continuing interest in this subject have been present since the beginning of our Government; for uniformity of laws was the touch-stone, out of which grew the Constitution of the United States and our political institutions as we know them today.

Alexander Hamilton first aroused the interest of the country in uniform State laws, and in 1786, a convention was called at Annapolis to consider, "How far a uniform system in their commercial requirements would be necessary to their common interest and their permanent harmony."

Daniel Webster said this convention had "as its entire purpose to devise means for the uniform regulation of trade." But it resulted, nevertheless, in giving us the Constitution of the United States.

The rapid development of this country, unexpected and un-

precedented; its mighty variety of interests; its diversity of views on many economic questions; the passage of laws in each of the States to meet the problems that have grown up there; all these things have made the question one of constant perplexity and ever widening difficulty, but which nevertheless has demanded some solution.

The theory of our Government, with its nicely adjusted balance between the Executive, Legislative and Judicial powers, and its sovereignty divided between the delegated powers of the Federal Government, and the inherent powers of the State Government, has proved a mighty bulwark to individual liberty and of contract and property rights. The legal theory has been that all local or domestic concerns should be controlled by the State, while matters of National concern were within the jurisdiction of the National Government.

The facts, however, have long been at war with this legal theory. So far as commerce has been concerned, State lines have been wiped out and the investor has sought to place his money where it would bring him the best return. This has resulted in vast aggregations of capital doing an interstate business, outside the power of the Federal Government to regulate, and beyond the power of the State Governments to control.

Until the recent past, the business interests have encouraged this condition of our law, because many of them believed that the lack of regulation was all to their advantage. To an extent this was true, however detrimental to the community as a whole not interested in such enterprises. But in the present decade there has been a change of attitude and the great business interests are at least nominally in favor of uniform state laws, as they come to see that it is the only way to avoid almost destructive conditions of regulation in the various jurisdictions.

The right to individual competition, unlimited and unrestrained by law, is over; society now demands that the interests of society shall be made paramount and that the law shall conform itself to this newer and broader view. With the interests

of society and the desires of commerce both demanding uniformity, it would seem that rapid progress should be made.²⁹

VII. OPPORTUNITIES FOR LAW TO FOLLOW SOCIETY.

This movement is of course possible of accomplishment in one of several ways, two of which are outstanding, namely,

First, Centralization through the development of the powers of the general Government; or,

Second, Uniformity of State action.

1. TENDENCY TOWARDS CENTRALIZATION.

With reference to the remedy of centralization, as has already been said, this might meet the desires of the business interests of the country, but would almost necessarily sacrifice in the long run the fundamental conceptions and safeguards of our democracy. This sacrifice, too, would be altogether useless, as the needs of business may be achieved consistent with the necessary safeguards through the development of uniformity of State legislation. I have already referred to the peculiar need of the maintenance of the State Government with independent and inherent powers in a democracy if the democratic ideal is to be preserved and Bureaucracy avoided. In societies where the preeminence of certain groups is asserted by them and recognized by others, a cohesive force can be opposed to any tendency on the part of the Government not desired; but in a democracy such as ours, where all are compressed to the common level, and when the superiority of none may be asserted and of none is acknowledged, the hopelessness of individual effort to stem a rising tide of centralization must be apparent to all students of the subject, and only the organized power of the respective States can hope to assert successfully against the inevitable tendency of centralization with the growth of society, the rights of the individual and his local community.³⁰

²⁹ See address by Nathan William MacChesney, "Uniform Laws—A Needed Protection to and Stimulus of Interstate Investments." National Association of Real Estate Exchanges, Denver, Colorado, July 19, 1911. (Published by the Association, Minneapolis, 1911).

³⁰ For an enlightening discussion of this need, see De Tocqueville, "Democracy in America."

The dangers of and the remedy for this tendency have nowhere been better expressed than by Elihu Root before the National Civic Federation in 1909, when he said:³¹

"The framework of our Government aimed to preserve at once the strength and protection of a great national power, and the blessing, and the freedom, and the personal independence, of local self-Government. It aimed to do that by preserving in the Constitution the sovereign powers of the separate States. Are we to reform the Constitution? If we do it as to insurance, we must do it as to a hundred and thousand other things. The interdependence of life wiping out State lines, the passing to and fro of men and merchandise, the intermingling of the people of all sections of our country without regard to State lines, are creating a situation in which from every quarter of the horizon come cries for Federal control of business, which is no longer confined within the limits of separate States. Are we to reform our Constitutional system so as to put in Federal hands the control of all business that passes over State lines? If we do, where is our local self-government? If we do, how is the central Government in Washington going to be able to discharge the duties that will be imposed upon it? Already the administration, already the judicial power, already the legislative branches of our government, are driven to the limit of their power to deal intelligently with the subjects that are before them. This country is too great, its population too numerous, its interests too vast and complicated already, to say nothing of the enormous increase that we can see before us in the future, to be governed as to the great range of our daily affairs from one central power in Washington. After all the ultimate object of all government is the home, the home where our people live and rear their children, with its individual independence, its freedom; and I am not willing, for the sake of facilitating transaction of any kind of business, to overturn limitations that have been set by the Constitution—wisely set—between the powers of the National and State governments. Great is our Nation. Let it exercise its Constitutional powers to the fullest limit, but do not let us in our anxiety for efficiency cast away, break down, reject, those limits which save to us the control of our homes, of our own domestic affairs, and of our

"Address by Elihu Root, "Importance of seeking reform through State Governments," delivered at Tenth Annual Dinner of National Civic Federation, Hotel Astor, New York, November 23, 1909.

See also his address as President of the American Bar Association, Chicago, August 30, 1916—16th page—A. B. A. Proceedings, 1916.

local governments. For there, in the last analysis, under the protecting power of our great Nation, there must be formed the character of free, independent, liberty loving citizens, upon whom our Republic must depend for its perpetuity."

2. POSSIBILITIES OF UNIFORMITY OF STATE ACTION.

We, necessarily then, are compelled to seriously consider and persistently urge the second of these suggested remedies, namely, that of uniformity of State legislation. What do we mean by this? President Seth Low has said:²²

"Uniform legislation is the equivalent in legislation of standardization in mechanical construction. Formerly there were broad gauge railroads and railroads with a narrow gauge. Broad gauge railroads and narrow gauge railroads could not connect. At last the gauges of all railroads were standardized, that is to say, made uniform, and now the cars of every railroad can be used on the tracks of every other railroad and no one would think of returning to the old system. The broad gauge, as a mechanical proposition, had some advantages over the narrow gauge, but these were wholly insignificant compared with the advantages resulting from standardization; that is to say, from the uniformity of gauge. Differences in gauge did not make railroading impossible, but they did make it inconvenient, costly and slow. Similarly, differences in law relating to the common life of the people do not make the business impossible; but they do hamper business relations by causing inconvenience, expense, and delay."

Uniformity of State laws contemplates retaining the present control in the States, but having a similar law passed by each State,²³ and in order to continue the uniformity once achieved by legislation, the Courts would in accordance with its spirit not merely apply the provision of the uniform law in their respective States but would apply those provisions in the light of decisions

²² Seth Low, President National Civic Federation, address at Conference January 17, 1910. 3 National Civic Federation Review, # 9, page 2.

²³ See address by Nathan William MacChesney, "Uniform Laws," National Assn. Real Estate Exchanges, Denver, Colo., July 19, 1911, (supra).

upon similar questions under similar statutes rendered in the other States, following the rule of interpretation known as "the majority rule," in accordance with the provision of the various uniform acts themselves which have been prepared by the National Conference of Commissioners on Uniform State Laws, which states:

"This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it."⁸⁴

For many years much misgiving was expressed as to the value of any attempt to bring about uniformity of laws through legislation so long as diversity of interpretation existed, and many thought it futile to attempt it. The tendency for many years after certain of the uniform acts were prepared, was to follow decisions of the courts of a particular State upon a given subject rather than a general rule expressed in a given uniform statute, but as the purpose of uniformity has become more generally understood, there is a larger co-operation on the part of the Courts, and with the inclusion of the clause above quoted in some of the more recent acts, the co-operation of the Courts to effect the end intended has become general, and there is no longer any reason to believe that once legislative uniformity can be obtained, the Courts will not do their full share to continue it by uniformity of interpretation.⁸⁵

⁸⁴ See paper read on Uniform State Laws before Social Science Association, by R. B. Anderson, October 17, 1915, page 5.

⁸⁵ Remarkable progress has been made in this respect recently under the leadership of Judge Henry Stockbridge, Court of Appeals of Maryland, as Chairman of the Committee on Uniformity of Judicial Decisions of the National Conference of Commissioners on Uniform State Laws. This committee gathers from day to day the decisions which are construing the most important of the uniform laws, and furnishes references to the adjudications when requested. There is nothing spectacular in this work, but nothing can tend more to promote uniformity on the part of the Courts of the several States construing the uniform acts, and there is an increasing disposition on the part of all the courts to consider and conform to the decisions of other States. The work of this committee is educational, and is con-

Only recently, the United States Supreme Court in a strong opinion by Mr. Justice Hughes in the case of *Commercial National Bank v. Canal-Louisiana Bank*, has given the weight of its authority to this doctrine.²⁸

In reversing a case involving the Uniform Warehouse Receipts Act, where the lower Court had followed the decisions of its particular jurisdiction rather than the "majority opinion" under the Uniform Act with reference thereto, Mr. Justice Hughes said:

"We do not find it necessary to review these decisions. It is apparent that if these uniform acts are construed in the several States adopting them according to the former local views upon analogous subjects, we shall miss the desired uniformity and we shall erect upon the foundation of uniform language separate legal structures as distinct as were the former varying laws. It is to prevent this result that the Uniform Warehouse Receipts Act expressly provides (Section 57): "This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it." This rule of construction requires that in order to accomplish the beneficent object of unifying, so far as this is possible under our dual system, the commercial law of the country, there should be taken into consideration the fundamental purpose of the uniform act, that it should not be regarded merely as an off-shoot of local law. The cardinal principle of the Act—which has been adopted in many States—is to give effect, within the limits stated, to the mercantile view of documents of title. There had been statutes in some of the States dealing with such documents, but there still remained diversity of legal rights under similar transactions. We think that the principle of the uniform act should have recognition to the exclusion of any inconsistent doctrine which may have previously obtained in any of the States enacting it."

stantly growing. It has now full information available for the judiciary of the United States upon the following acts: Uniform Negotiable Instruments Act, Uniform Warehouse Receipts Act, Uniform Sales Act, Uniform Bills of Lading Act, and Uniform Stock Transfer Act, and is gradually accumulating this data upon the other acts, all of which will be furnished promptly by the Committee upon application by any judge throughout the United States.

²⁸ *Commercial National Bank of New Orleans v. Canal-Louisiana Bank & Trust Co. et al.*, U. S. Adv. Ops. 1915, page 194.

Much harm may easily be done in the general movement for uniform state laws by urging for passage as a uniform law measures which have not been prepared by competent draftsmen, subjected to adequate discussion, or been tested by sufficient experience. Many enthusiasts attempt to make the Uniform State Law a convenient propaganda for new and untried reforms. The best informed believe that there should be no attempt made to make laws uniform until there has been at least some experimental legislation in some of the States, so that the uniform law may be based upon tried legislation somewhere. What means exist then for the proper preparation of such laws, and what are the methods to be pursued in their preparation and their adoption?

VIII. NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS.

The great body which is giving attention to these questions in a conservative, safe and effective way is the National Conference of Commissioners on Uniform State Laws, which gives full weight to all the considerations involved, both political, and legal, and commercial, and which now has a history of twenty-five years of constructive achievements.

It was recently said concerning its work

"The work of the Commissioners is the most important public service being performed today by any organization of lawyers."⁷¹

a. ITS ORGANIZATION AND HISTORY.

This is an official body of state Commissioners, almost exclusively lawyers and judges, to which fifty-three jurisdictions have appointed Commissioners. The last printed report shows that⁷² the following States, Territories, Districts, and Possessions, have appointed Commissioners:

⁷¹ Proceedings, 25th Annual Meeting, National Conference of Commissioners on Uniform State Laws, 1915, page 142.

⁷² R. B. Anderson before Social Science Association, Oct. 4, 1915 (Boston).

STATES.

Alabama,	Maine,	Ohio,
Arizona,	Maryland,	Oklahoma,
Arkansas,	Massachusetts,	Oregon,
California,	Michigan,	Pennsylvania,
Colorado,	Minnesota,	Rhode Island,
Connecticut,	Mississippi,	South Carolina,
Delaware,	Missouri,	South Dakota,
Florida,	Montana,	Tennessee,
Georgia,	Nebraska,	Texas,
Idaho,	Nevada,	Utah,
<i>Illinois,</i>	New Hampshire,	Vermont,
Indiana,	New Jersey,	Virginia,
Iowa,	New Mexico,	Washington,
Kansas,	New York,	West Virginia,
Kentucky,	North Carolina,	Wisconsin,
Louisiana,	North Dakota,	Wyoming.

TERRITORIES.

Alaska,

Hawaii.

FEDERAL DISTRICT.

District of Columbia.

POSSESSIONS.

Philippine Islands,

Porto Rico.

Of this number, some of the appointments are made by the Governors of their respective States under their general authority of appointment, but in thirty-three of the jurisdictions the Commissioners have been appointed under express legislative authority, have therefore become State officers, and report regularly upon their proceedings and with their recommendations. These jurisdictions are as follows:³⁸

³⁸ See report George B. Young, Secretary, National Conference of Commissioners on Uniform State Laws, Proceedings, 1915, page 143.

Alaska,	Massachusetts,	Philippine Islands,
Arizona,	Michigan,	Porto Rico,
Colorado,	Minnesota,	Rhode Island,
Connecticut,	Mississippi,	South Carolina,
Florida,	Nevada,	Tennessee,
Georgia,	New Hampshire,	Utah,
Hawaii,	New Jersey,	Vermont,
Illinois,	New York,	Virginia,
Louisiana,	Ohio,	Washington,
Maine,	Oklahoma,	Wisconsin,
Maryland,	Pennsylvania,	Wyoming.

b. ITS ORIGIN.

The National Conference of Commissioners on Uniform State Laws grew out of action by the American Bar Association in 1889, pursuant to a resolution introduced at its meeting at Chicago that year, when it appointed a Committee on Uniform State Laws. This movement may therefore be said to have originated in a sense, so far as the American Bar Association is concerned, in Illinois. This committee reported in 1890. The State of New York had passed an act³⁹ authorizing the Governor (Hill) to appoint three "commissioners for the promotion of uniformity of legislation in the United States," to examine the subjects of Marriage and Divorce, Insolvency, Form of Notarial Certificates, and other subjects; to ascertain the best means to effect an assimilation and uniformity among the laws of the states, and to consider whether it would be wise and practicable for the State of New York to invite the other states of the Union to send representatives to a convention; to draft laws to be submitted for the approval and adoption of the several States, and to advise and recommend such other course of action as shall best accomplish the purpose of the Act.

³⁹ For a copy of the bill and suggestions in support of the same, see *Proceedings, National Conference of Commissioners on Uniform State Laws, 1915*, page 51. Also Appendix "A," hereto attached.

The Committee recommended the passage by each State and Territory and by the Congress of the United States, of an Act similar to that cited, suggesting as further subjects for consideration, "Descent and Distribution of Property, Acknowledgments of Deeds, Execution and Probate of Wills."⁴⁰ This Committee on Uniform State Laws of the American Bar Association has reported annually since that time, but beginning with the First (National) Conference of Commissioners on Uniform State Laws, at Saratoga Springs, New York, in 1892, the work has been done by the Commissioners, their results being presented to the American Bar Association for its endorsement through this Committee. The annual National Conference of the Commissioners has always been held each year just preceding the meeting of the American Bar Association.

c. ITS RELATION TO STATES AND AMERICAN BAR ASSOCIATION.

This connection with the American Bar Association has given to the work of the National Conference the great weight of the influence of the American Bar Association in furthering the cause of uniformity of law, but in some respects the companionship has tended to make the work of the National Conference itself less well-known, as it has been over-shadowed by the larger and better known organization, and though acting under an official authority of the respective State Governments, and therefore an official legislative body, it has often been thought of by the general public, and even by many intelligent lawyers, as a branch or Committee of the American Bar Association.⁴¹

d. ITS IMPORTANCE.

The importance of this movement, or of the body itself, in view of the needs of this country, can hardly be overstated, and

⁴⁰ See address Nathan William MacChesney, Uniform Laws, National Assn. Real Estate Exchange, July 19, 1911 (supra).

⁴¹ For a discussion of the undesirable effect of this, see article by Lewis N. Dembitz, "Uniformity of State Laws," North American Review, January, 1899, Vol. 168, page 84.

the National Conference and the work it is doing is entitled to much more recognition and credit than it has heretofore received, either by the general public, by publicists, or by the Bar. The Bench, I am happy to say, has already shown a keen appreciation of the work which is being done. An interesting editorial in the *Green Bag* some time ago⁴² stated:

"The conference has come to exercise a function of great importance in molding the legislation of the several States, and should be consulted by the State legislatures for advice on important projects of State legislation, and aided with suggestions from other sources in its work of shaping new uniform acts."

It is the most efficient legislative drafting body in the land to lay hold of the many new undertakings of tremendous importance constantly facing the legislatures of the respective States.

The work is the most juristic work undertaken in the United States since the adoption of the Federal Constitution, and the significance of it will be realized when attention is called to the fact that since the debates resulting in the Constitution of the United States, it is the first time that the official representatives of the several States have gotten together in legislative assembly to discuss any legal question from a national point of view with particular reference to the needs of the respective States from which they come.⁴³

e. ITS SCOPE.

As has already been pointed out, the plan upon which the National Conference has worked has been rather to embody the existing law in the form of a statute upon the subjects treated than to introduce any novel principles.⁴⁴ Occasionally this rule

⁴² Editorial, *Green Bag*, December, 1911.

⁴³ See article by F. J. Stimson, *Annals of Amer. Academy*, May, 1895, Volume V, page 829.

⁴⁴ The Conference has sometimes been criticized both as to the character of its work and as to the methods pursued, and has recently created a Committee on Scope and Program to make a continued study of the field, scope and methods of work of the Conference, and to report its conclusion each year to that body,

has been departed from, yielding to what was believed to be the consensus of opinion in the business world, as for instance, with the object of giving full negotiability to all documents of title, including warehouse receipts, defining value, etc.⁴⁵ The Conference has been extremely careful not to trespass upon the exclusive territory of the legislatures by unusual laws on new subjects or entirely new laws on old subjects. Its intention is not to take up every worthy subject for a draft of a uniform law, but to take up only those subjects in which uniformity of law is per se the desirable thing. Professor John H. Wigmore has grouped these subjects into three classes:

First, Laws affecting transactions which commonly concern parties or things in different states and hence lead to confusion and uncertainty unless they are uniform. Under this head belong the subjects of Negotiable Instruments and Bills of Lading.

Second, Laws affecting kinds of business having an interstate trade, in which a State passing a reform law will be at a disadvantage unless the adjoining States pass similar laws, and as to which State legislatures are not willing to pass such laws unless there is some prospect of a uniform law. In this class belong the Child Labor Laws, Convict Labor Laws, and Incorporation Laws.

Third, Laws concerning classes of transactions which several States have already regulated by some legislative reform which other States now desire to regulate by whichever, if any, of existing measures is most efficient. In such a situation, the need arises for a study of the various measures passed and proposed by some impartial body which can choose among them and combine them, and recommend the resulting preferable and improved measure. The Workmen's Compensation Act, Occupational Diseases and Sickness Laws, are good examples of this class.⁴⁶

Perhaps the ideals, scope and methods of the National Con-

⁴⁵ See article Walter George Smith, "The Outlook for Uniformity of Legislation." Green Bag, Dec. 1911, Vol. 23, p. 619.

⁴⁶ Paper on Uniform State Laws read before the Social Science Association by Robbins B. Anderson, October 4, 1915, and re-printed in Sunday Advertiser, October 17, 1915, page 5.

ference of Commissioners on Uniform State Laws could not be better expressed than by the statement by Mr. Tompkins on the Scope of Uniform Legislation, in which he says: "7

"Uniformity of laws is not needed on all subjects. Though modern invention and discovery have done so much to bring the people of this great country together and make those residing in distant States near neighbors in the large majority of matters, that affect the daily life of the citizens, it is not only not necessary that there should be uniformity in the laws of the several States regulating and controlling them, but on the contrary such uniformity is undesirable and absolutely impracticable. There is and will continue to be, a difference in the character and surroundings of the people residing in different portions of the Union that will require a difference in the law governing them; but while this is so, it is equally true, that the laws governing those matters in which the people of the different States are equally interested—those matters which arise daily in their business intercourse with one another—should be uniform so that the citizen of one State may know the exact character of his act and contract, the full extent of his liability attaching to it, without regard to the locality in which the act is done or the contract made, and without regard to the tribunal which passes on it."

The difficulties of bringing this about are recognized, but the need for it must be conceded. Much has already been done to accomplish it and with the hearty, earnest, intelligent, and effective co-operation of the Bar, the movement can be given an impetus which will enable it to realize a large part of its programme in the very near future.

f. ITS METHODS.

The National Conference of Commissioners on Uniform State Laws has a well defined system which results in the thorough discussion of the need for a particular act; of the law in the various States; and of the form of a particular act under consideration. A resolution is introduced providing for the appointment of a Committee to report upon the advisability of taking up a specific topic.

"Henry C. Tompkins, "Necessity for Uniformity in the Laws Governing Commercial Paper." 13 Reports American Bar Association, 247.

The Committee then makes a report to the Conference, sometimes with a preliminary draft of the bill attached. The Committee is usually assisted by an expert draftsman, who has a comprehensive knowledge of the present law on the subject, including the decisions of this country and abroad, as well as a knowledge of the history of the principles and doctrines concerned. Under the direction of the Committee he prepares a draft, which is sent to the Commissioners as the first tentative draft. It is then discussed at the next Annual meeting, section by section. It is then recommitted, and there have usually been three or four tentative drafts before the vote is taken on final adoption. This vote is always taken by States, and though the meeting held in Chicago in August is the Twenty-Sixth Annual Meeting, few acts have received final sanction which have not received the unanimous votes of all the States represented, one of the few exceptions⁴⁸ being that approved last year known as the Uniform Land Registration Act, with reference to what is known popularly as the Torrens' System of Land Registration.^{48½}

The Conference has recently, in order to get the highest degree of efficiency in connection with its work, created a Committee on Legislative Drafting, of which Professor Freund, of the University of Chicago, and Secretary of the Illinois Commission on Uniform State Laws, is Chairman, and who is undoubtedly the best qualified man for this position to be found in the United States. This Committee has called attention to the need of classified knowledge for intelligent legislation.⁴⁹ And later recommended at the next annual Conference the preparation of a Manual of Style to be followed in the drafting of uniform laws, a subject to which the American Bar Association has already given some at-

"The adoption of the "Torrens Act" was by a divided vote of the Conference after what many of the members thought was an insufficient consideration, and resulted in the passage of a by-law, which will hereafter require the printing of amendments, and the withholding of final passage of the Act until at least a year following the year at which it has been discussed section by section. See Proceedings, National Conference of Com. on Uniform State Laws, 1915, p. 56.

⁴⁸ See note 85½ post and discussion preceding.

⁴⁹ See Proceedings, National Conference of Commissioners on Uniform State Laws, 1915, page 213.

tention.⁵⁰ It has also been suggested that the Committee should take up the matter of drafting uniform clauses in acts as part of its work, and it is to be hoped that this will be undertaken. With reference to the need for this work, the Committee in its last report has said:

"Unfortunately, there is no book written in the English language discussing, in the light of administrative and judicial experience, the legal ways and means by which a given legislative policy can best be rendered effective, or the arrangements and institutions which at present serve that end. The reason for this must be found in the large commercial demand for legal works available for the business of litigation, which has absorbed the attention of jurists to the utter neglect of scholarly or literary service to the no less important business of legislation.

"The lawyer's treatment of the law in analytical, the legislator's constructive. To the lawyer it is a fixed quantity to which he must adjust himself, to the legislator a potential force which he may fashion for his purpose. Obviously, the two points of view are entirely different. The material that the lawyer needs has been collected and digested with a degree of completeness that leaves hardly anything to be desired. But while the legal material that the legislature needs, the history of statutes and of their construction by the courts, may also be found, to a considerable extent at least, scattered through the law reports, there is no key to it through digests or treatises adapted to his purposes."⁵¹

I do not need to say that to achieve this result requires conscientious, scientific, painstaking work of a high order, and of the most exacting character. It has been my pleasure to be a member of the National Conference, as one of the Illinois Commissioners, for a number of years, and I have never been associated with a body of men with a wider knowledge of their subjects, or who give more careful or conscientious attention to them than the Commis-

⁵⁰ See Reports American Bar Association for 1914.

⁵¹ *Illinois*, in common with certain other progressive States, has created a Legislative Reference Bureau, located at Springfield. This Bureau, with Finley F. Bell as Secretary, is doing good work, and the Bar of the State should take pains to become familiar with it. See Appendix "F" for list of compilations so far prepared.

sioners on Uniform State Laws from the respective States. They form an ideal legislative body, the equal of which I do not believe exists in this country, and their work may be justly compared to that of the public commissions abroad, to which so much praise is justly given, but the best work of which is equalled and in some instances surpassed by the work of our own National Conference of Commissioners on Uniform State Laws.

In closing my general discussion upon the history, importance and methods of the work of this great organization, in order to show you that this is not a mere personal prejudice in its favor, may I quote to you the words of that distinguished scholar, Professor Samuel Williston of Harvard University, who in speaking of certain of the uniform acts prepared by the National Conference of Commissioners on Uniform State Laws said ²²:

"Great as are the evils of the conflict of authority in the United States, due to the numerous independent jurisdictions, this conflict has given to the American Commercial Acts (which have been based on the English models) a distinct superiority to them. In England, whatever is once finally judicially decided becomes the law; and no matter though the decision may be inharmonious with general principles, the codifier is bound to accept the result. In the United States the decisions of no single State are taken as the model. The draftsman is not primarily seeking to reform the law, but in attempting to weld a uniform and coherent whole from decisions of fifty States, he necessarily discards local decisions which are inharmonious with the general principles of his subject; * * * * Moreover, the American statutes have probably had a longer and more thorough examination by a greater number of competent persons, other than the draftsmen, than has been the case with the English acts."

IX. UNIFORM ACTS PREPARED BY NATIONAL CONFERENCE.

The actual results of the work of the National Conference are best expressed, of course, in the acts prepared by it during its

"Samuel Williston, "The Uniform Partnership Act, with Some Remarks on Other Uniform State Laws," Address, Law Association of Philadelphia, December 18, 1914.

twenty-five years of work. During that time the following acts have been approved by the National Conference and recommended to the different States for adoption, and are to be cited under the titles hereinafter stated:⁵⁵

1. Uniform Negotiable Instruments Act, Approved August, 1896.
2. Uniform Sales Act, Approved August, 1906.
3. Uniform Warehouse Receipts Act, Approved August, 1906.
4. An Act Regulating Annulment of Marriage and Divorce, Approved August, 1907.
5. Uniform Bills of Lading Act, Approved August, 1909.
6. Uniform Stock Transfer Act, Approved August, 1909.
7. An Act Relating to Desertion and Non-Support of Wife by Husband, or of Children by Either Father or Mother, and Providing Punishment Therefor; and to Promote Uniformity Between the States in Reference Thereto, Approved August, 1910.
8. An Act Relative to Wills Executed Without the State and to Promote Uniformity Among the States in that Respect, Approved August, 1911.
9. An Act Relating to and Regulating Marriage and Marriages Licenses; and to Promote Uniformity Between the States in Reference Thereto, Approved August, 1911.
10. Uniform Child Labor Law, Approved August, 1911.
11. An Act On the Subject of Marriages in Another State or Country in Evasion or Violation of the Laws of the State of Domicile, Approved August, 1912.
12. An Act to Make Uniform the Law of Acknowledgments to Deeds or Other Instruments Taken Outside the United States, Approved October, 1914.
13. Uniform Partnership Act, Approved October, 1914.
14. Uniform Cold Storage Act, Approved October, 1914.

⁵⁵ See report of Secretary, George B. Young, Proceedings, 25th Annual Meeting, National Conference of Commissioners on Uniform State Laws, 1915, page 139; see also page 2 of the Proceedings, 1915, for adoption of subsequent acts.

15. Uniform Workmen's Compensation Act, Approved October, 1914.

16. Uniform Land Registration Act, Approved August, 1915.

17. Uniform Foreign Probate Act, Approved August, 1915.

18. Uniform Flag Law, Approved August, 1915.

[At the 1916 Conference the following additional acts were finally adopted:

19. Uniform Act Relating to Partnerships with Limited Partners, Approved August, 1916.

20. Uniform Act with Reference to Extradition of Persons of Unsound Mind, Approved August, 1916.]

An examination of the legislative action with respect to these various acts shows that no act approved by the National Conference and recommended by it for adoption has been adopted by all the jurisdictions of the United States; that some of the acts which were approved some years ago have been adopted in none of the States; that there are sufficient acts approved and jurisdictions which have not adopted them to afford a broad field for the work of the National Conference; that no State has adopted every act approved by the National Conference, so that the Commissioners from every State each have work to do in their home States, and a successful campaign for the adoption by all jurisdictions of the acts already approved would do as much to promote uniformity as the continued preparation and approval of new acts by the National Conference, however important are the subjects, with no adequate campaign to secure their enactment into law in the different jurisdictions. The National Conference has recognized this by the creation of a special Committee on Adoption of Approved Acts, or Legislative Committee, and by a more adequate provision in the future for publicity with reference to the work of the Conference, to be in the special charge of the Committee on Publicity. It is in connection with the work especially committed to these two Committees that the work of the Bar may be especially effective, and it is to be hoped that the members of this and every other like association in the country will give these efforts their hearty approval and support.

It may be interesting to note how many jurisdictions have

adopted and how many have not adopted the various acts approved by the Conference. This information is as follows:

Acts.	Jurisdictions when adopted	Jurisdictions when not adopted	For particulars see post page
1. Uniform Negotiable Instruments Act..	49	4	42
2. Uniform Sales Act.....	14	39	44
3. Uniform Warehouse Receipts Act.....	33	20	46
4. Uniform Divorce Act.....	3	50	48
5. Uniform Bills of Lading Act.....	17	36	52
6. Uniform Stock Transfer Act.....	11	42	54
7. Uniform Family Desertion Act.....	9	44	55
8. Uniform Probate of Foreign Wills Act..	11	42	56
9. Uniform Marriage License Act.....	0	53	57
10. Uniform Child Labor Law.....	0	53	58
11. Uniform Marriage Evasion Act.....	4	49	59
12. Uniform Acknowledgments Act.....	2	51	61
13. Uniform Partnership Act.....	3	50	62
14. Uniform Cold Storage Act.....	1	52	64
15. Uniform Workmen's Compensation Act.	1	52	65
16. Uniform Land Registration Act.....	1	52	66
17. Uniform Foreign Probate Act.....	1	52	68
18. Uniform Flag Law	0	53	68
<hr/>			
[19. Uniform Limited Partnership Act.....	0	53	70
20. Uniform Extradition of Persons of Un- sound Mind Act.....	0	53	70]

With reference to an analysis of this list showing which States have adopted which particular acts, I will not burden you at this time, but you will find them summarized in a table to be found in an appendix.⁵⁴

"See Appendix "G," see also Proceedings, National Conference of Commissioners on Uniform State Laws, 1915, page 140, which has been corrected in accordance with a report of the Committee on Adoption of Approved Acts. See also Appendix "H," showing the date of the adoption of the approved commercial acts by the various states, grouped according to locality, together with a list of the legislatures,

showing whether they hold biennial or annual sessions, lists of states where commissioners were appointed by legislative authority, and those in which no provision is made for the payment of commissioners' expenses.

X. SPECIFIC ACTS CONSIDERED INDIVIDUALLY.

It will be interesting, however, to refer briefly to the history of each individual Act, and call attention to the extent to which they have been adopted by the various States. I will do this in the order of their approval by the National Conference, a table of which I have heretofore given.⁵⁴¹

1.

UNIFORM NEGOTIABLE INSTRUMENTS ACT.

Approved August, 1896.

Among the earliest laws formulated was a short act of two sections relating to promissory notes and checks. There was a general demand for uniform laws on this subject, and the feeling was that important results would be more easily and quickly obtained within the field of commercial law than elsewhere.

In 1895 a resolution was offered, providing that a bill relating to commercial paper based upon the English statute upon that subject should be drafted and presented for consideration. Under that resolution the Committee on Commercial Law employed, to prepare the drafts of the Bill, John J. Crawford, Esq., of the New York Bar, a recognized authority on the law of commercial paper, and the Act was approved in August, 1896.

In 1897, the Committee of the American Bankers' Association was directed to prepare a uniform law for commercial paper, but reported that the Uniform Negotiable Instruments Law, adopted by the National Conference of Commissioners on Uniform State Laws seemed to be a better law for the purpose than any they could possibly frame, and said that:

"A more useful or more thoroughly prepared statute on commercial law would be difficult to find."

It was that year adopted by the States of Connecticut, Colorado, Florida and New York.

One of the draftsmen of the British Act said concerning the law:

⁵⁴¹ See page 41 supra.

"The language of your Bill is singularly felicitous; it is more clear, concise, less stiff and artificial, than that of our Bills of Exchange Act, and, in this respect (one by no means unimportant), your draft is an improvement on our Act."

The purpose of this Act and some of the results of its passage have been well stated by Mr. S. R. Child, in a statement to a Congressional Committee.⁵⁵ He says:

"The purpose and effect of the Uniform Negotiable Instruments Act is to give fluidity and legal certainty over large commercial areas to all negotiable instruments, such as checks, drafts, promissory notes, and the various classes of commercial paper, and thereby reduce cost, delay, and risk of commercial and financial transactions, and generally add to the efficiency, economy, and volume of business."

The Uniform Negotiable Instruments Act has become a prime factor and essential condition precedent to the following results in the country's finance:

- a. It gives the States adopting it a more certain economic demand of the capital of the country at large for development.
- b. It reduces the prevailing interest rates on commercial paper and short term loans generally, as well as indirectly affecting the interest rates on mortgage loans.
- c. It brings the business of the State into the general channels of both domestic and foreign commerce.
- d. It benefits all industries, agriculture and manufactures alike, by bringing them into the general circle of the country's financial and commercial markets for the advancing and sale of their products.
- e. It has demonstrated by experience the benefits to be derived by reason of the uniformity of law as to a particular branch thereof, and it has produced a tendency toward a development of the same uniformity in other branches of the law.

This Act has now been cited in over 750 American decisions,

⁵⁵ S. R. Child, statement to Joint Committee on Rural Credits, United States Senate, Senate Documents No. 351, 64th Congress, 1st Session, 1916.

and is now the law in 49 jurisdictions, including *Illinois*. They are:

Alabama	Michigan,	Pennsylvania,
Arizona,	Minnesota,	Rhode Island,
Arkansas,	Mississippi,	South Carolina,
Colorado,	Missouri,	South Dakota,
Connecticut,	Montana,	Tennessee,
Delaware,	Nebraska,	Utah,
Florida,	Nevada,	Vermont,
Idaho,	New Hampshire,	Virginia,
<i>Illinois</i> ,	New Jersey,	Washington,
Indiana,	New Mexico,	West Virginia,
Iowa,	New York,	Wisconsin,
Kansas,	North Carolina,	Wyoming,
Kentucky,	North Dakota,	Alaska,
Louisiana,	Ohio,	Hawaii,
Maryland,	Oklahoma,	District of Columbia,
Massachusetts,	Oregon,	Philippine Islands,
		Porto Rico.

2.

UNIFORM SALES ACT.

Approved August, 1906.

It will be noted that it was ten years before the second Act prepared by the Conference was approved by it for passage by the various legislatures, in August, 1906.⁵⁵ The Uniform Sales Act was drafted in 1902-3 by Professor Samuel Williston of Harvard University Law School. It was printed in the summer of 1903, and was sent with a request for criticism to teachers of the law schools, and to other experts on the subject. In the light of the criticisms received, the draft was presented to the Conference at St. Louis in 1904, with a number of suggested amendments. The draft was then carefully considered, doubtful points and changes in the wording were discussed and voted upon, and the draft was then recommitted to the Committee on Commercial Law with instructions to embody the changes adopted by the Conference and to present the revised draft at the meeting in 1905. Another draft was then presented in accordance with these in-

⁵⁵ But see Uniform Probate of Foreign Wills Act, post, 56.

structions at the annual meeting at Narragansett Pier in August, 1905. In this draft were included for the first time a number of sections on the transfer of property by means of covenants of title. These sections are numbered Sections 27 to 40 in the present Act. Because of these sections, it was thought better to recommit the Act again, which was done; it coming up for final adoption at the annual meeting in St. Paul, August 1906, when it was recommended for adoption by the several States.⁵⁶

The Act has made important changes in the law of *Illinois*, and in some of the other States, by introducing into our law what is known as the 17th Section of the Statute of Frauds, and requiring that contracts for the sale of personal property of the value of \$500 or upwards shall be in writing, with certain well-known exceptions.⁵⁷

May I quote an editorial with reference to the advantages of this Act and of the other uniform statutes on commercial law, which appeared in one of the law journals, and which has been given the endorsement of Professor Williston:⁵⁸

"What an excellent thing it would seem to be to have all questions as to which courts are so greatly at variance in construing the Statute of Frauds, settled by uniform adjudication throughout this land. If the labors of the (National Conference of Commissioners) on Uniform State Laws accomplished nothing more than to do away with conflicting decisions regarding the 4th and 17th Sections of the Statute of Frauds, it should feel well repaid.

Statute-of-Frauds legislation in the various States has generally been regarded as statutory declarations of the old law, and construction thereof has followed old lines. In the Sales Act, however, provisions are unified and simplified, and their clearness seems to leave little room for diversity of application."

⁵⁶ See "Legislative Programme for Law Reform," MacChesney, 3 *Illinois Law Review*, 512.

⁵⁷ See Francis M. Burdick, "Uniform Sales Act," 1908. (Milburn & Co., 1908.)

⁵⁸ *Central Law Journal* 422, December 11, 1914, quoted by Professor Williston, *Law Assn. of Philadelphia*, December 18, 1914.

This Act has been adopted in 14 jurisdictions, including *Illinois*,⁵⁹ They are:

Arizona,	Michigan,	Pennsylvania,
Connecticut,	Nevada,	Rhode Island,
<i>Illinois</i> ,	New Jersey,	Wisconsin,
Maryland,	New York,	Alaska.
Massachusetts,	Ohio,	

3.

UNIFORM WAREHOUSE RECEIPTS ACT.

Approved August, 1906.

The second in importance among the American uniform commercial Acts is the Uniform Warehouse Receipts Act. When the Negotiable Instruments Act had been completed, the National Conference took up the question of a Uniform Warehouse Receipts Act, which was prepared by Professor Samuel Williston of Harvard and Barry Mohum, Esq., of the Washington Bar. Following a full consideration of this Act both by the Committee and by the National Conference, it was adopted in August, 1906.

The part played by the warehouse and warehouse receipt in the business of this country is hardly appreciated. A pamphlet prepared ten years ago showed that the average monthly value of such merchandise was then nearly sixty million dollars (\$60,000,000).⁶⁰ The grain, hay, sugar, cotton, whiskey, tobacco, rice, coffee, tea, pig iron, machinery, manufactured articles, etc., have been variously estimated at from one hundred million dollars (\$100,000,000) to three hundred million dollars (\$300,000,000). Taking a mean of these two extremes, we find we have in bonded and general merchandise warehouses a value aggregating in round numbers at least two hundred million dollars (\$200,000,000), and

⁵⁹ This Act was passed by the General Assembly of Ill. in 1915 as the result of the work of Hon. Frederick R. DeYoung, a member of the General Assembly and the present chairman of the Illinois State Bar Association Committee on Uniform State Laws.

⁶⁰ See pamphlet American Warehouseman's Association, 1906.

that the aggregate value of merchandise in cold storage alone at certain seasons of the year is over fifty million dollars (\$50,000,000). These tremendous values are held in warehouses from one end of this country to the other; in the cotton warehouses of the South, in the grain elevators of the West, in the cold storage warehouses of the North, in the customs and free stores of the Atlantic and Pacific Coasts, and in the yards and storehouses of the manufacturing centers of the Middle and Eastern States. Such, however, has been the diversity of the laws with reference to warehouse receipts, representing this property, that it has been a dead load to carry, instead of being a live asset.⁶¹

The passage of this Act makes warehouse receipts practically negotiable paper with very beneficial results, enabling the manufacturers and producers in slack times to continue to operate their plants, thus retaining at a proper degree of efficiency machinery and equipment which would otherwise have to stand idle, with great resultant benefit to the community in which the factories are located, and to the labor which is employed.⁶² The Federal Reserve Board has recognized this law as a prime factor in financing the cotton zone, and so has done great service to the promotion of uniformity of legislation.

The Uniform Warehouse Receipts Act has demonstrated its usefulness as a vital factor in financing commerce and agriculture on a large economical scale in bringing in the wheat crop of the upper Mississippi Valley. Chicago and Minneapolis bankers testified before the Federal Reserve Board that in many respects they preferred the Warehouse Receipt on State inspected wheat to a Government Bond as security for commercial paper, because more fluid and readily marketable.⁶³

⁶¹ See pamphlets on subject by Francis B. James, of the Washington, D. C., and Cincinnati Bar.

⁶² See "Uniform State Laws," Nathan William MacChesney, 5 Illinois Law Review, 521.

⁶³ See statement of S. R. Child to United States Senate Committee on Rural Credits, Senate Document No. 351, 64th Congress, 1st Session, 1916.

The Uniform Warehouse Receipts Act has been adopted by 33 jurisdictions, including *Illinois*; they are:

Alabama,	Michigan,	Pennsylvania,
California,	Minnesota,	Rhode Island,
Colorado,	Missouri,	South Dakota,
Connecticut,	Nebraska,	Tennessee,
Idaho,	Nevada,	Utah,
<i>Illinois</i> ,	New Jersey,	Vermont,
Iowa,	New Mexico,	Virginia,
Kansas,	New York,	Washington,
Louisiana,	Ohio,	Wisconsin,
Maryland,	Oregon,	Alaska,
Massachusetts,		District of Columbia,
		Philippine Islands.

4.

UNIFORM DIVORCE ACT.

Approved August, 1907.

This act, under the title of "An Act Regulating Annulment of Marriage and Divorce," is aimed at the growing divorce evil of this country, which may well be regarded as of the greatest concern as it is one of the most serious problems which we as a nation have to face. We have reached the point where we have by far the highest divorce rate of any civilized country in the world, except Japan, in which, even under its Civil Code of 1898, though judicial decree is provided for, divorce by mutual consent constitutes practically the entire number of divorces registered.

The Divorce Act recommended by the National Conference was prepared by a Committee working under the National Divorce Congress, called by the Governor of Pennsylvania to meet in Washington in 1906. It is as satisfactory an Act on the subject as can be framed at the present time.

It recognizes that divorce is to be dealt with by the States, not by a National divorce law. With reference to this matter, the first resolution of the Divorce Congress was as follows:

"It is the sense of the Congress that no Federal divorce law is feasible, and that all effort to secure the passage of a Constitutional amendment—a necessary pre-requisite—would be futile."⁶⁴

Chief Justice Cullen of the New York Court of Appeals in 1910 stated that "a uniform divorce law would be a bad law from the New York point of view." In commenting upon this, a writer recently said that probably a uniform law would also be deemed a bad law from the Nevada point of view.⁶⁵

Justice Cullen thinks that what is needed is not a Uniform Divorce Law, but a uniform divorce procedure. He thinks the former impracticable, but the latter entirely feasible, but this is only aimed at fraudulent divorce.

The principal emphasis of the Uniform Act Regulating Annulment of Marriage and Divorce is placed upon its jurisdictional features, which are as follows:

"In order to bring a suit in divorce, at least one of the parties must be a resident of the State, and have been so for two years, and must have resided in the State at the time the injury arose. If the cause of action is adultery or bigamy, however, two years' residence is not required. If a cause for divorce arises when the parties are living in another State, and either party has lived in the new State for two years, the action may be brought there, but not unless there is a good cause in the State in which they were living when it arose. If a party leaves his State of residence and moves to another State and there obtains a divorce for a cause not recognized in the former State, his divorce will be void therein.

Where personal process of the Court cannot be obtained, service may be made by publication. An injured party need not necessarily apply for absolute divorce, but may ask instead for a limited divorce, which merely causes a separation, without giving either the right to marry again. Abuse and frauds arising from secret hearings are corrected by requiring proof of all cases in the presence of the Court. Notice must be brought home to the defendant actually whenever his

"For discussion of this resolution, see article "Uniformity of Legislation" by W. O. Hart, Commissioner from Louisiana.

"Henry C. Spurr—Uniform Divorce Legislation—Case and Comment, June, 1910, Volume 17, page 17.

address can be ascertained. In all uncontested cases, and in any case where the Court deems it necessary or proper, a disinterested attorney may be assigned to defend the case. An interval of one year shall intervene between the decree on the merits of the case, and the decree dissolving the marriage.

The divorce of the parents shall not make their children illegitimate, except in cases of bigamy or other cause impossible to reconcile with legitimacy."⁶⁶

The desirability of the law depends not upon its number of causes, but upon its jurisdictional features, and if these can be adopted, much of the scandal attendant upon what are known as migratory divorces, particularly in some of our Western States, would be done away with. It cannot be hoped that any divorce law will entirely stop the divorce evil, but it can at least prevent the scandal of having the status of the parties and of the children vary with the State lines, and the vast complications in property and other relations.⁶⁷

Analyzing the Uniform Act in its jurisdictional features, we find that the marriage relation may be affected in three ways; 1. By Annulment; 2. By Absolute Divorce; 3. By Limited Divorce.

1. Marriage may be annulled for:
 - a. Impotency.
 - b. Consanguinity, etc.
 - c. Former existing marriage.
 - d. Fraud, force, etc.
 - e. Anti-nuptial insanity.
 - f. Non-age of husband (18 years) and non-age of wife (16 years). (Note: These limitations each to be regulated by each State in accordance with climatic influence, etc.

⁶⁶ Walter George Smith, report, President, National Conference of Commissioners on Uniform State Laws, Proceedings. See also address "Uniform Marriage and Divorce Laws," Ohio State Bar Association, 1909.

⁶⁷ For table showing variation of State laws on the subject of Divorce, see Appendix "J."

2. Absolute divorce may be granted for such causes as are allowed by the statutes of the States.

The great preponderance of causes are set forth in the Act, but not recommended for adoption, it being the opinion of the Divorce Congress that there is no occasion for increasing the number in those States that have a less number than the enumerated causes, and it would prefer to see the causes reduced rather than increased. With this reservation, the Act enumerates:

- a. Adultery.
 - b. Bigamy.
 - c. Conviction and sentence for crime.
 - d. Extreme cruelty.
 - e. Wilful desertion for two years.
 - f. Habitual drunkenness for two years.
3. Limited divorce, or divorce *a mensa et thoro*:
- a. Adultery.
 - b. Bigamy.
 - c. Conviction and sentence for crime.
 - d. Extreme cruelty.
 - e. Willful desertion for two years.
 - f. Habitual drunkenness for two years.
 - g. Hopeless insanity of husband.

Bars to relief remain as now existing, namely:

Collusion,
Connivance,
Condonation.⁶⁸

I regret to state that our own State of Illinois has not so far seen fit to adopt the Uniform Divorce Act, which at least in its jurisdictional features it seems to me should be done, and we should endeavor to get the other States, particularly the Western

⁶⁸ Address, "Uniform Marriage and Divorce Laws"—Walter George Smith, Ohio State Bar Association, 1909. See also article, Amasa M. Eaton—Proposed Reforms in Marriage and Divorce Laws—Columbia Law Review, 1904. For criticisms of the Act, see also articles by Professor Ernst Freund of the University of Chicago, and Commissioner from Illinois—"A Proposed Uniform Marriage Law," 24 Harvard Law Review, 548; "Uniform Marriage and Divorce Legislation," 21 Case and Comment, 1.

States, to adopt such Uniform Act also; as, though some of its features may be in practical effect in Illinois, so long as we fail to adopt the Uniform Act, our influence as a State is not thrown in favor of similar regulation elsewhere.

There was once a law in England:

"That all women of whatever age, rank, profession, or degree, whether virgins, maids, or widows, that shall, from and after the passage of this Act, impose or betray into matrimony any of His Majesty's male subjects by paints, scents, cosmetics, washes, artificial teeth, blended wool, iron stays, hoops, high-heeled shoes, or bolstered hips, shall incur the penalty of the law now in force against witchcraft."⁹⁹

While the male species continues to be so misled, or for other reasons matrimony is contracted on a basis of other than continuing interests in life, the need for divorce will exist, but at least the condition by which New York limits causes of divorce to one, while Nevada invites those desiring it, from all sections of the country, by a laxity which constitutes it a plague spot, may be removed.

The Uniform Divorce Act has been adopted in three jurisdictions, *not including Illinois*; they are:

Delaware,

New Jersey,

Wisconsin.

5.

UNIFORM BILLS OF LADING ACT.

Approved August, 1909.

In 1905 the National Conference retained Professor Samuel Williston to prepare an Act to make uniform the law of Bills of Lading, successive drafts of which were submitted to the National Conference at its meetings in 1906, 1907, 1908, and 1909, when the fourth tentative draft, with numerous corrections, was adopted.

The Bills of Lading Act is perhaps one of the most important that has ever been given consideration by the Conference. It is

⁹⁹ Henry C. Spurr—Uniform Divorce Legislation—17 Case and Comment, 17 June, 1910.

absolutely essential that there should be general agreement upon the subject. It is believed that the Bills of Lading, which are used so largely as a medium of exchange or substitutes for money, above all other forms of commercial paper, should be given the fullest negotiability possible, as has been done in this Act, and that no modification of the Act should be made which would impair its efficiency in this respect. When the Act was up for consideration before the Illinois legislature in 1911, it was vigorously fought by a lobby of railroad attorneys for various Western Roads, although in the drafting of it the general counsel for the various Railroad Associations and of many of the leading Railroad and Steamship Lines were fully consulted, and it is not now believed that they would desire to go back to the conditions existing previous to the passage of this Act in the various States where it has been adopted.

The Railroads opposed the bill in its entirety at that time, because it did make Bills of Lading negotiable, and particularly because in consequence of that they would be held liable to a holder of a Bill of Lading, in good faith and for a valuable consideration, for the value of it, even though they never had received the goods purported to be represented by the Bill of Lading. Under the well-known "Cotton Cases," in such circumstances in the States which have not passed this Act they are not now liable. By mercantile usage, a negotiable Bill of Lading has become the sole representative of the goods, and while such goods might be upon a railroad train, or at Sea, or elsewhere, nevertheless, constructively, the goods are in the document of title in the form of a Bill of Lading. The right to a commodity should follow a Bill of Lading; the Bill of Lading is primary, the commodity is secondary. It is therefore of the utmost importance that the Bill of Lading should be clean and not encumbered by changing terms and conditions, but governed by one uniform rule so that they will pass current in any part of the country without legal misgivings.⁷⁰

The Uniform Bills of Lading Act has been adopted in 17 jurisdictions, including *Illinois*; they are:

⁷⁰ See article—Commercial Aspect of Bills of Lading—Francis B. James, address before Missouri Bankers' Association, May 20, 1908.

Alaska,
California,
Connecticut,
Idaho,
Illinois,
Iowa,

Louisiana,
Maryland,
Massachusetts,
Michigan,
New Jersey,
New York,

Ohio,
Pennsylvania,
Rhode Island,
Vermont,
Washington.

6.

UNIFORM STOCK TRANSFER ACT.

Approved August, 1909.

In 1906 the National Conference also retained Professor Samuel Williston to draft an Act, "To Make Uniform the Law of Transfer of Titles to Certificates of Stock in Corporations." Successive drafts were considered at the meetings in 1907, 1908, 1909, the fourth tentative draft, with certain modifications, being finally approved at the meeting of the National Conference in Detroit in 1909.

The Act proceeds upon the theory that all commercial paper should be fully negotiable, the certificates of stock in this respect the same as negotiable instruments, so-called, Bills of Lading, etc. While this bill was finally approved by the unanimous vote of the States, in a vote of the Commission from our State upon the final approval of the Act, I voted against it because I deemed it unwise to so treat certificates of stock. The Act gives full negotiability to certificates of stock, as under it a thief can convey title, even though the unauthorized dealing was in no sense due to the owner's negligence. While this is a proper and safe enough rule for short time paper such as promissory notes, bills of lading, warehouse receipts, etc., I do not regard it as a desirable or safe rule when applied to certificates of stock. It may be desirable from a banker's or stock-broker's standpoint, but very undesirable from the standpoint of the investor. While the great majority of the former classes of paper are intended for commercial use, and while it is true that in certain financial centers like New York City and possibly Chicago also, it is probable that a considerable percentage of

certificates of stock are used as collateral, in the aggregate, in my judgment, they form only a small proportion of the total stock investments which are affected by such a provision, and I did not believe it should be applied to stocks, which may be examined only at long intervals, as it would enable a dishonest employee to give a good title. On the contrary, I felt it for the best interests of communities such as those of Illinois, under such circumstances to require one who loans on such stock as collateral to inquire as to the source of title of the person seeking the loan. The bank can so protect itself, and insure against any error of judgment, while under the rule of the Uniform Act innocent investors can be mulcted of their all until too late to protect themselves. Nevertheless, I regard it as so highly necessary that the rule upon such a question should be uniform that now that this Act has been recommended by the National Conference and adopted by a large number of the leading States, that I would earnestly recommend that *Illinois* adopt it also. Otherwise investors unfamiliar with such a rule are apt to be worse off than they would if subject to it everywhere.

The Uniform Stock Transfer Act has been adopted in 11 jurisdictions, *not including Illinois*; they are:

Louisiana,
Maryland,
Massachusetts,
Michigan,

New Jersey,
New York,
Ohio,
Pennsylvania,

Rhode Island,
Wisconsin,
Alaska.

7.

UNIFORM FAMILY DESERTION ACT.

Approved August, 1910.

This Act, the full title of which is "An Act Relating to Desertion and Non-Support of Wife by Husband, or of Children by Either Father or Mother, and Providing Punishment Therefor; and to Promote Uniformity Between the States in Reference Thereto," is intended to meet a growing evil which appears to be due to moral rather than to physical causes. Mr. William H.

Baldwin, of Washington, D. C., whose draft of an Act was taken as a basis for discussion by the National Conference states:

"That the facts go to show that the usual deserter is not a man who is physically weak or ill or discouraged or because of bad housekeeping or his wife's ill temper; he is a young, able bodied man, who leaves because he is well able to take care of himself, and desired to indulge in selfish or vicious impulses, or to avoid ordinary cares or some unusual trouble."⁷¹

He then suggests a remedy based upon the Uniform Act which covers the grade of the crime and the matter of hard labor, which are left open under the Uniform Act for the various States to settle for themselves as they may see fit.

The Uniform Family Desertion Act has been adopted in 9 jurisdictions, *not including Illinois*; they are:

Delaware,
Kansas,
Louisiana,

Massachusetts,
North Dakota,
Texas,

Vermont,
Wisconsin,
Hawaii.

8.

UNIFORM PROBATE OF FOREIGN WILLS ACT.

Approved August, 1911.

This Act, under the title of, "An Act Relative to Wills Executed Without the State and to Promote Uniformity Among the States in that Respect," was originally adopted in 1892, but was recalled in 1910, reconsidered, and referred back to the Committee for redrafting; presented to the National Conference again in 1911, and, with certain amendments, adopted at that time.

The Uniform Probate of Foreign Wills Act has been adopted in 11 jurisdictions, *not including Illinois*; they are:

⁷¹ For interesting discussion of this whole subject, see address by William H. Baldwin of Washington, D. C., delivered at National Conference of Charities and Corrections, Boston, Mass., 1911, under title of "The Present Status of Family Desertion and Non-Support Laws."

Colorado,	Massachusetts,	Washington,
Kansas,	Michigan,	Wisconsin,
Louisiana,	Nevada,	Alaska.
Maryland,	Rhode Island,	

9.

UNIFORM MARRIAGE LICENSE ACT.

Approved August, 1911.

This Act, under the title of, "An Act Relating to and Regulating Marriage and Marriage Licenses; and to Promote Uniformity between the States in Reference Thereto," approaches the divorce problem from the marriage standpoint. Professor George E. Howard, a leading authority on the subject of marriage and divorce, states the case as:

"The disease of marriage, with its antitoxin, the institution of divorce; instead of deploring bad marriages, we shudder at the spread of divorce, bitter medicine which enlightened social policy prescribes."

Today in proportion to the population there are three times as many divorces in the United States as there were a generation ago. On the average for the whole country, we have more than one divorce to twelve weddings.

The Uniform Marriage License Act safeguards the forming of the marriage contract and abolishes the common law marriage. The discussion in the National Conference during the first two sessions which considered the proposed Act, centered on the abolition of the common law marriage, and only by a close vote was that principle adopted, with practically every Southern State voting against its abolition, largely, presumably, on account of the negro problem in those States. The Act provides that two things are necessary to make a valid marriage:

1. A license to marry.
2. A duly authorized officiating person, or recognized form of ceremony.

It also provides that where a license is issued, but where the

person performing the ceremony was not duly authorized, that there shall be a penalization for such a violation of the law, but that the validity of the marriage itself shall not be affected; or that if the marriage was performed by a duly authorized person, but no license was issued, then if following such attempted celebration the parties live together as husband and wife for the period of one year, (which time requirement should in my judgment be omitted or at least reduced to a period not exceeding thirty days) that the marriage shall be good in spite of such omission.⁷²

The Uniform Marriage License Act has so far not been adopted in any jurisdiction.

10.

UNIFORM CHILD LABOR LAW.

Approved August, 1911.

The subject of child labor, when first taken up by the National Conference, was regarded as a distinct change of policy on the part of the National Conference as entering into a field which savored more or less of reform, but it was felt that it had a very direct commercial aspect which even on that basis alone justified it, as if one State is willing to enforce high standards on this vital subject of the Nation's welfare, it should be protected in its commercial competition from States not voluntarily taking such action.⁷³ It was also at that time thought that it would be practically impossible to get Federal legislation upon the subject, though the recent favorable action by Congress in passing a Federal Child Labor Law shows that much may be expected in this field also from Federal legislation. The questions entering into the right of the Federal Government to regulate the question

⁷² For discussion of this act, see article by Professor Freund on the subject, "A Proposed Uniform Marriage Law," 24 Harvard Law Review, 548; also article by Freund, "Uniform Marriage and Divorce Legislation," 21 Case and Comment, 1.

⁷³ See comment on reasons for considering such laws by Professor John H. Wigmore, X Ill. Law Rev., 385 (supra, page 34).

of child labor are exceedingly interesting, and you may be interested in examining some of the points raised in support of the constitutionality of such Federal legislation, which has been generally regarded as doubtful.⁷⁴ Nevertheless, any legislation on the subject must in the nature of things be progressive, as public opinion is constantly advancing.

The Uniform Act is based almost entirely upon legislation already in force in one or more States, and most of the provisions are in force in many States. Being exclusively a child labor law, the Act does not provide compulsory school attendance laws, laws relating to factory inspection, or laws for the protection of family supporting male workers. Such laws are assumed to exist in the States which are to adopt this law.⁷⁵

The Act is intended as a model for State legislatures rather than as a hard and fast uniform law. The necessity for some such guidance is shown when it is realized that of the 41 States holding legislative session in 1911, no less than 30 enacted new laws relating to child labor.

The Uniform Child Labor Law has so far not been adopted in any State.

11.

UNIFORM MARRIAGE EVASION ACT.

Approved August, 1912.

This Act, under the title of, "An Act on the Subject of Marriages in Another State or Country in Evasion or Violation of the

"See appendix "L" for brief by MacChesney prepared for debate on Palmer-Owen Bill in United States Congress.

"For a discussion of the subject see publications of the National Child Labor Committee, including "Uniform Child Labor Laws" by Owen R. Lovejoy, 1911; "Seven Years of Child Labor Reform," by Lovejoy, 1911; A Handbook of Child Labor Legislation of the National Consumers' League, prepared by Josephine J. Eschenbrenner, 1909; also "Constitutionality of the Federal Child Labor Law" by Thomas I. Parkinson, and Nathan William MacChesney, 1916.

Laws of the State of Domicile," is intended to make effective within any State the provisions of that State with reference to marriage by maintaining reciprocal relations with reference to the enforcement of laws of other States upon the same subject. Professor Ernst Freund of the Illinois Commission, has said: "6

"The Uniform Divorce Act proposes that if a spouse leaves the State of the matrimonial domicile in order to secure in another State a divorce upon a ground which has happened in the first State, or which the first State does not recognize, a divorce thus obtained shall be void in the first State. The (Uniform Marriage) Evasion Act, recommended * * * in 1912 and adopted in Massachusetts in 1913, makes parties residing and who intend to continue to reside in another State subject, with regard to their right to marry, to the prohibitions of the law of the State of residence, both in the State of the attempted marriage and in the State of residence. Thus if, after a divorce in New York, the guilty parties undertake to remarry in New Jersey, not only will the marriage be void in New York, but also in New Jersey. These acts seem plausible, but the need of them is questionable. If evasion is due to the excessive strictness of the law of some one State, and another State disapproves of that strictness, why should that other State make a special effort to render the obnoxious policy effectual, particularly where the first State itself connives at evasion?"

Notwithstanding this criticism from such an eminent authority, I believe it can be asserted confidently that the Bar of Illinois feels that the passage of the Act in Illinois is a distinct advance as rendering less liable to occur the scandals incident to palpable evasions of our law by persons, prohibited by Illinois statutes from marrying in Illinois, going to Indiana or other States, intending to return to Illinois, for the purpose of contracting a marriage which they know to be in violation of Illinois law, and the legal status of which was, under the various interpretations by our courts of the statute involved, exceedingly doubtful to say the least, with the resultant litigation sure to arise with reference to the status of the parties themselves, and of children resulting from the union.

"Uniform Marriage and Divorce Legislation—Ernst Freund—21 Case and Comment, 4.

The Uniform Marriage Evasion Act has been adopted in 4 jurisdictions, including *Illinois*;⁷⁷ they are:

Illinois,
Louisiana,

Massachusetts,
Vermont.

12.

UNIFORM ACKNOWLEDGMENTS ACT.

Approved October, 1914.

This Act, under the title of, "An Act to Make Uniform the Law of Acknowledgments to Deeds or Other Instruments Taken Outside the United States," was finally approved in October, 1914, but the subject was given attention at the first meeting of the National Conference, held in 1892. It has been realized that great expense and trouble was caused by the fact that the forms of execution and acknowledgment to deeds of real estate vary in all the States, but although this Act was printed in the reports of the National Conference for 1895, 1896, 1898, 1900, 1901, and 1902, no further attention was given to the subject for some years until the Act was revised and adopted in its present form by the National Conference in 1914.⁷⁸

The Uniform Acknowledgments Act has been adopted in two jurisdictions, but *not in Illinois*. It has been adopted in:

Louisiana,

Maryland.

⁷⁷ This act was passed in the legislature as the result of the efforts of Hon. George H. Wilson, a member of the General Assembly, and then Chairman of the Illinois State Bar Association Committee on Uniform State Laws.

⁷⁸ Form of acknowledgment originally adopted by the National Conference will be found on pages 1 to 4 of Jones' Legal Forms, with a statement of what States have adopted it in whole or in part.

13.

UNIFORM PARTNERSHIP ACT.

Approved October, 1914.

The National Conference had under consideration for more than ten years a draft of the Uniform Partnership Act before the present Act upon that subject was finally approved. The late Dean Ames of Harvard Law School, who was a member of the National Conference, had submitted various draft Acts upon the subject, presenting his last tentative draft at the Detroit meeting in 1909, which was recommitted at his request for further consideration. Upon his death in 1910, the National Conference retained Professor William Draper Lewis of the University of Pennsylvania Law School, who was assisted by Professor Lichtenberger of the same institution. They proposed two tentative drafts, one based on the *collective* or *aggregate* theory, the theory on which the English Act is based, and the other on the *entity* or *legal person* theory, the theory on which the National Conference had formerly authorized Dean Ames to proceed.

It was recognized by the National Conference that our decisions, as are the English decisions, are based on the collective theory of partnership, but at the time that the work was originally undertaken, it was believed that the law would never be satisfactory until we had fully recognized the legal and commercial conception of partnership, which is in large measure the entity theory. However, upon the submission of the two tentative drafts drawn on these two theories by the Committee on Commercial Law of the National Conference in 1911, the Conference adopted the *collective* or *aggregate* theory, which perpetuates the present legal theory, but which from the standpoint of the National Conference was regarded by many as a backward step away from the commercial conception of the partnership.

The legal obstacles were so great that the draftsmen thought it best to abandon the legal person theory, but a close study of the Act will show that the present Uniform Act combines the two theories on a satisfactory working basis, recognizing the entity of the partnership, but not as a separate legal person. While it is true that the entity theory as a logical consistent theory is not

followed in the Uniform Partnership Act, the main advantages of that theory are nevertheless retained. One of its advantages is that it avoids certain difficulties in dealing with partnership property, with reference to creditors.

The two principal difficulties in the administration of partnership law under existing conditions arise from:

1. The rights of the partner as joint owner in specific property;

2. The settlement of the claims of different classes of creditors when the business is continued, but the personnel of the partnership changes.

Professor Samuel Williston says:⁷⁹

"In the Uniform Partnership Act the first difficulty is solved, not by asserting that the partnership as an entity owns the specific property, but by treating the partners as holding the property by a special kind of tenancy—*tenancy in partnership*, and defining the incidents of that tenancy in such a way as to meet the difficulties of the problem. Joint tenancy and its incidents were doubtless created by custom and by the courts, to meet the practical necessities that were felt in co-ownership of feudal estates. Difficulties have arisen in the law of partnership by trying to fit the incidents of a kind of co-ownership which arose out of different conditions than enter into the situation which arises in partnership. By giving appropriate incidents to tenancy in partnership, the draftsman of the Act have avoided possibilities of confusion and impractical results without making a fundamental change in existing law. * * *

The second difficulty in the administration of partnership law has been met by recognizing the fact that a business may be a single and continuing business, though an additional member of the firm may be taken in or one of the original members dropped out. The Act provides that when a business is continued without liquidation, though the personnel of the firm conducting the business may change, all the creditors of the different partnerships are creditors of the partnership which continues the business, and all have an equal right in the property embarked in the business. Under the existing law that property belongs to the last firm, which results in

⁷⁹ Uniform Partnership Act, Samuel Williston—address before Law Association of Philadelphia, December 18, 1914.

extreme hardship to the creditors who have extended credit before the last change in the personnel of the firm."

The Uniform Partnership Act has been adopted in 3 jurisdictions, *not including Illinois*; they are:

Maryland, Pennsylvania, Wisconsin.

14.

UNIFORM COLD STORAGE ACT.

Approved October, 1914.

The subject of uniform cold storage was taken up by the Conference at the request of large numbers of business men who called attention to the fact that the diversity between the laws of the various States regulating the cold storage of certain articles of food is causing great embarrassment, and in some instances unmerited prosecution of the business interests concerned in the shipping and preservation of the articles in which they dealt.⁶⁰ The first draft of the Act was submitted to the National Conference by its Committee on Purity of Articles of Commerce at the annual meeting at Montreal in 1913. That draft was recommitted by the National Conference with instructions to redraft, and submit a second draft in 1914. With the assistance of Dr. M. E. Pennington, Chief of Research Laboratory, United States Department of Agriculture, a second tentative draft was prepared and submitted to the National Conference in 1914, when it was adopted.

The Uniform Cold Storage Act has been adopted in one jurisdiction, but *not in Illinois*. It has been adopted in:

Maryland.

⁶⁰ See report of President Charles Thaddeus Terry, Proceedings National Conference of Commissioners on Uniform State Laws, 1914, page 125; also report of Committee on subject, 1914, p. 205.

15.

UNIFORM WORKMEN'S COMPENSATION ACT.

Approved October, 1914.

Such rapid progress has been made in this subject that while the Act was under consideration by the National Conference statutes upon the question had been adopted in more than twenty States. President Terry, in his annual address,⁸¹ said with reference to this Act:

"In this, as in other matters, the National Conference refused to be driven into a panic of haste by the rapidity with which the States were adopting Acts of their own, and could not, and would not offer to the States a measure upon this subject until it had gone through the refining process to which the work of the National Conference, is, without exception, subjected, and their every last word of advice, criticism, and suggestion had been obtained from every authority available in this and other countries."

Now that this painstaking work has been done, the work of the National Conference is available: to guide the legislatures of the various States in such amendments as they may desire to make of their already existing statutes, which now exist in 34 States; to be presented to the legislatures of the various States for the purpose of bringing about uniformity in the States which have already adopted such legislation; and for the legislatures of the States which have not yet acted upon the subject as a model law which will bring their legislation into conformity with the best thought on the subject throughout the nation.⁸²

The Uniform Workmen's Compensation Act has been adopted: in one jurisdiction, but *not in Illinois*. It has been adopted in Pennsylvania.⁸³

⁸¹ Proceedings, National Conference of Commissioners on Uniform State Laws, 1914, 123.

⁸² See Appendix "K" for a table showing the general tendencies in Workmen's Compensation legislation.

⁸³ For further information on subject of Workmen's Compensation see publications of American Assn. for Labor Legislation, including "Standards for Workmen's Compensation Laws" prepared by Dr. John

16.

UNIFORM LAND' REGISTRATION ACT.

Approved August, 1915.

Such a registration of title to lands as is dealt with in the Uniform Land Registration Act, and popularly known as the Torrens System, is one of growing interest in this country, and while the Uniform Act was only approved last year, there are statutes upon the subject in 13 states, the earliest of which was passed in 1897, in which year statutes were passed by California and *Illinois*. The first tentative draft upon the subject was presented to the National Conference at its annual meeting in Montreal in 1913, but it was not at this time printed or discussed by the Conference. The second tentative draft was presented at the annual meeting at Washington in 1914. That draft was printed and annotated with reference to the acts of California, Colorado, Illinois, Massachusetts, Minnesota, Mississippi, North Carolina, New York, Ohio, Oregon, and Washington.⁶⁴ It was also annotated with reference to reported decisions in all of these States, but no action was taken on it until 1915, when the Uniform Act was approved by a divided vote of the Conference. It must not be supposed, however, that the adoption of this Act by a divided vote of the States represents a feeling upon the part of the Commissioners that a Uniform Act upon the subject is not desirable. On the contrary, it may safely be asserted that the entire Conference was in favor of an act deal-

B. Andrews, 1915; also *American Labor Legislation Review*, Vol. 3, #2, June, 1913, covering subject of social insurance, with a select bibliography upon that question; also address *Uniform Workmen's Compensation Laws—State Insurance—Is It Desirable?* by Kemper K. Knapp, Conference of Manufacturers' Associations of Central West, December 3, 1913; also article P. Tecumseh Sherman of New York Bar, "The Consequences of Accidents under Workmen's Compensation Laws," 64 *University of Pennsylvania Law Review*, 417; also report of Social Insurance Committee of American Association of Labor Legislation on New Jersey Workmen's Compensation Act, 1915.

⁶⁴ See report of Eugene C. Massie, Chairman, Committee on the Torrens System, National Conference of Commissioners on Uniform State Laws, Proceedings 1915, page 228.

ing with the subject and believed that the Uniform Act adopted was a statute representing the best thought upon the question. The reason for the divided vote, as the proceedings of the Conference will show, was not because of opposition to the principle of the Act, or even to the form of it, but solely on the ground that the Act had not been given detailed consideration section by section over a series of years, which has generally characterized the consideration of such matters of importance by the Conference.⁸⁵ The work of the Committee, under the leadership of Eugene C. Massie, Chairman, had, however, been painstakingly done, and the Conference approved the Act after consideration in its 1915 meeting without further reference.⁸⁶ Perhaps one of the advantages of a uniform Land Registration Act not always considered is that it would form a necessary basis for a rural credit system in this country similar to that of Europe, based on long term farm mortgages, which would thereby become security for bonds or debentures of any Federal system of land banks. With reference to this matter, Mr. Eugene C. Massie, of Virginia, speaking before the Georgia Bar Association, said:⁸⁶

"Nothing short of registered titles can give to land any of the true attributes of a commercial asset. To answer the great public needs, we must make land in a sense negotiable."

The Uniform Land Registration Act has been adopted in one jurisdiction, but *not in Illinois*. It was adopted in 1916 in: Virginia.

"For the votes and discussions on this subject, see Proceedings National Conference of Commissioners on Uniform State Laws, 1915, pages 56-64, 90, 94.

"In view of the above criticism the Act was given further careful consideration by the committee, again presented to the Conference in 1916, and finally approved. See Proceedings N. C. of C. on U. S. L. 1916. For further information as to Act see valuable book upon subject by Eugene C. Massie (1916).

"See report S. R. Child, Senate Committee on Rural Credits (*supra*), for able and interesting discussion of the whole question of registration of land titles in the United States; also see address by Eugene C. Massie, before Law Association of Philadelphia, February 18, 1916. For review of the progress made, also see address by Martin H. Stutzbach, United States Building Association League, Milwaukee,

17.

UNIFORM FOREIGN PROBATE ACT.

Approved August, 1915.

The Uniform Foreign Probate Act, under the title of, "An Act Providing for the Probate in This State of Probated Foreign Wills and to Make Uniform in That Regard the Laws of The States Enacting Same," deals with a subject which was first presented to the National Conference in 1892, when an Act upon the subject was adopted, which was again reconsidered in 1910 and referred back to the Committee for redrafting, which Act was presented to the National Conference from time to time thereafter, and finally approved at the Salt Lake City meeting in 1915.

The Uniform Foreign Probate Act has been adopted in one State, but *not* in Illinois. It has been adopted in:

Louisiana.

18.

UNIFORM FLAG LAW.

Approved August, 1915.

This Act is intended to make uniform certain statutes upon the subject which have heretofore been passed in 35 States. You will recall that the subject of Flag legislation first came before the courts of this country in the case of *Ruhstat v. People*, 185 Illinois, 133,⁶⁷ wherein it was held that the statute was unconstitutional in that it deprived a citizen of the United States of the right of exercising a privilege, impliedly, if not expressly, granted by the Federal Constitution, as unduly discriminating and partial in its character, and as endangering the personal liberty guaranteed by the State and Federal Constitutions.

This case involved the right to use the symbol of the United States flag on a cigar box on which was placed a label containing a pictorial representation with a female head in the center, and a picture of the American Flag in the upper left-hand corner; an-

⁶⁷ 49 L. R. A. 181; 76 Am. St. Rep. 30; 57 N. E. 41.

other of the labels is a pictorial representation of Nansen, the Explorer, in the center, with a wreath, around one side of which is entwined the American Flag; another label is a pictorial representation of President Lincoln, and a view of the Capitol Building at Washington, and upon the right hand is a representation of the American Flag; still another is a pictorial representation with a female figure in the center, holding in her right hand a shield containing upon it a picture of the American Flag.

Since that decision there have been a number of decisions with reference to the statutes of other States and in a case involving the statute of Nebraska, the United States Supreme Court, in a decision written by Mr. Justice Harlan, upheld the constitutionality of such a statute, in the case of *Halter and Haywood v. State of Nebraska*, 205 U. S. 34, decided March 4, 1907.⁸⁸ For those interested in this general question, I would refer them to report of the special Committee on the Uniform Flag Law to the National Conference in 1913, which deals with the general question of the desecration, mutilation, or improper use of the American Flag.⁸⁹

The sentiment underlying this legislation naturally appeals to an American citizen, but the consideration of the subject by the National Conference has been criticised upon the ground that it is a matter upon which uniformity is not essential; that if it is, it should be dealt with by Federal rather than by State legislation; and that it is not a sufficiently serious matter to be made a criminal offense, it being a matter of a nature which had much better be regulated by public opinion.

Regardless, however, of one's personal views upon this question, the Act itself as adopted by the Conference would seem to be objectionable in that it unites in the same section and covers by the same punishment acts of a vitally different character, namely, the use of the Flag for advertising purposes and the defaming or defiling of the Flag. This shows a lack of discrimination contrary to the sound principles of drafting, and is criticized in the report of Committee on Classification and Definitions of Crimes which particularly instanced the Flag Laws as offending in this regard.

⁸⁸ 51 L. Ed. 696.

⁸⁹ See Proceedings, National Conference of Commissioners on Uniform State Laws, 1913.

The Act is undoubtedly very poorly drawn, is diffuse in its language, and its provision for the recovering of penalties in the name of individuals should be changed. The Act was originally prepared as the result of the efforts of certain patriotic organizations, and the action of the National Conference in this instance represents an effort to conform to statutes already passed by the various legislatures, but in a case of this kind where such statutes have been poorly drawn, it would be better for the National Conference to make a fresh start, at least so far as the draftsmanship is concerned. It is to be hoped that the National Conference of Commissioners will recall this Act for further consideration before urging it for adoption in the various States, as it falls distinctly below the standard of the other acts prepared by the National Conference.^{89†}

The Uniform Flag Law has not so far been adopted by any State.

[The 1916 Conference has approved:

(19) an Act to make Uniform the Law Relating to Partnerships with Limited Partners and also;

(20) an Act to make Uniform the Law with Reference to the Extradition of Persons of Unsound Mind.]

XI. ACTS PROPOSED OR UNDER CONSIDERATION.

This completes the list of Acts which have so far been formally approved by the National Conference of Commissioners on Uniform State Laws, and recommended to the various States for adoption.

In addition to these acts, there have been under consideration from time to time Acts on a variety of other subjects, upon which tentative drafts are now pending and which in due time will be sent out for the consideration of the country. Among these acts so pending are:⁹⁰

^{89†} As a result of this criticism the Act was at the 1916 Conference re-referred to the Committee for further consideration and report.

⁹⁰ For lists of these various Acts see annual proceedings of the National Conference of Commissioners on Uniform State Laws; and for a very interesting address upon the possibilities of the Conference, see the addresses as President by Charles Thaddeus Terry of the New York Bar in the Proceedings of the Conference for 1913, 1914 and 1915. Also some idea of the present scope of the Conference may be secured by referring to a list of the Committees of the National Conference, found in Appendix "B" hereto attached.

Act to make Uniform the Law Relating to Partnerships with Limited Partners.⁹⁰¹

Act to make Uniform the Law with Reference to the Extradition of Lunatics.⁹⁰¹

Act to make Uniform the Law of Incorporation.

The National Conference has had the subject of Incorporation under consideration for a number of years, having considered a number of tentative drafts prepared by Charles Thaddeus Terry, Esq., former President of the National Conference, and it is to be desired that the Committee on this subject will present an Act for final adoption at the earliest possible date.

Act to Provide for the Registration of Births and Deaths known as the Uniform Vital Statistics Act.

An Act upon this subject was passed by the legislature of Illinois, based upon a preliminary draft upon the subject prepared by the National Conference, but which does not fully protect the rights of illegitimate children, and should be amended in this respect at an early date.⁹¹

Act to Provide for Compensation for Occupational and Industrial Diseases.

Among the other subjects under consideration by the Conference, but upon which no Acts are now pending are:

Situs of real and personal property for purposes of taxation.
Computation of time.

Judicial determination of industrial disputes.

Uniform automobile legislation.

Admission to practice and registration of physicians and nurses.

Uniform poor laws.

Laws relating to lynching.

⁹⁰¹ The 1916 Conference gave detailed consideration to these Acts, and finally approved them to be recommended for passage by the various legislatures. See Proceedings N. C. of C. on U. S. L., 1916.

⁹¹ For discussion of this subject, see publications of the Bureau of Census, Department of Commerce and Labor; also publications of the Children's Bureau, Julia C. Lathrop, Chief, of the United States Department of Labor; also the publications of the Association of Life Insurance Presidents, and for a critical review of the defects, attempted to be remedied in the *Illinois* law see article by Nathan William MacChesney, published by State Charities Commission, "Race Development by Legislation," *Institution Quarterly*, Vol. 4, No. 2. See also Report of Committee at 1916 Conference containing history of Act and revised draft to be introduced at 1917 legislatures.

Laws governing construction and maintenance of highways.
Laws relating to uniform boiler inspection.⁹²

XII. SUMMARY OF ACHIEVEMENTS.

This represents briefly the net result of a quarter of a century of careful, conscientious, unheralded labor of the Commissioners on Uniform State Laws of the various States assembled in National Conference. Perhaps to the work of the Conference may justly be applied the words of Montesquieu:⁹³

"The reader will not here meet with any of those bold flights which seem to characterize the works of the present age. When things are examined with never so small a degree of extent, the sallies of imagination must vanish; these generally arise from the minds' collecting all its powers to view only one side of the subject, while it leaves the other unobserved."

The very extent of the work of the National Conference has prevented it becoming the particular interest of any single group of men or particular organizations, but surely because of this very fact it should be of yet wider interest to the Bar of this country, which must necessarily and inevitably be interested in and give leadership to a great national movement of this kind, dealing particularly with legislation which concerns them so intimately, not only in their personal lives, but in their professional activities. May I be permitted to summarize for you the accomplishments of the National Conference and to recommend certain things which in my judgment will forward this movement. For a summary of its past achievements, I cannot do better than to quote from the address of President Charles Thaddeus Terry, in his address to the National Conference in 1915, when he called attention to the fact that:

"(a) Every state, territory and federal possession has recognized, by appointment of commissioners to this body, either by special statutory authority or by general gubernatorial prerogative, the work of this organization.

⁹² For discussion of many of these subjects, see *Proceedings, National Conference of Commissioners on Uniform State Laws, 1914*, page 106.

⁹³ Montesquieu, "The Spirit of the Laws," author's preface, 1748.

(b) Forty-six states and the territory of Alaska and all federal possessions have adopted as a part of their statutory law the very first uniform act approved and recommended by this Conference.

(c) That thirty-two states, territories, federal districts and possessions have adopted the Warehouse Receipts Act, the second measure approved by the Conference in the order of time.

(d) That twelve states and the territory of Alaska have approved and adopted the Sales Act recommended by the Conference as its third measure in the order of time.

(e) That the succeeding acts approved and recommended by the Conference have been adopted by the states in varying numbers commensurate and proportionate to the length of time during which such acts have been in the category of statutes endorsed by the Conference, and the special character of the subject matters dealt with therein.

(f) That in twelve different instances, during the recent sessions of the legislatures, various of the uniform acts, promulgated by the Conference were adopted as laws by the states."

XIII. RECOMMENDATIONS.

To forward the movement for the adoption of Uniform State Laws, I recommend that:

1. The Illinois State Bar Association give continuing attention through its Committee on Uniform State Laws, on its programme and in any other feasible manner to the subject of Uniform State Laws.

2. That a consistent aggressive plan be devised to procure the passage by the legislature of this State of all the Acts approved by the National Conference of Commissioners on Uniform State Laws which have not yet been passed in Illinois,* particularly those Acts falling within the field of commercial law, and that this action be continued upon the subsequent adoption of any Act by the National Conference.

3. In order to promote uniformity, those States which have not yet by legislative enactment provided for an official Commis-

* For table showing situation of Illinois with reference to the adoption of Acts approved by the National Conference of Commissioners on Uniform State Laws, see Appendix "M."

sion for the Promotion of Uniformity, be requested by the Governor of Illinois to do so, in order that the movement may spread as rapidly as possible.

4. The Legislative Reference Bureau of Illinois be requested to prepare, under the direction of the Illinois Commission for the Uniformity of Legislation in the United States, a full bibliography upon the subject, and a handbook embodying all the uniform acts, properly annotated, together with a history of their preparation and adoption.⁹⁵

5. The Library of Congress, the American Library Association, the various libraries of this community, the legislative reference bureaus of other States, the American Year Book, and various other publications dealing with various legislative matters be requested to carry the subject of Uniform State Laws, under that specific heading, to the end that persons investigating the subject may become familiar with the various movements endeavoring to bring it about, and particularly with the work of the National Conference of Commissioners on Uniform State Laws.

6. The General Assembly of Illinois be given the thanks of the Illinois State Bar Association for its recent appropriations to the Illinois Commission on Uniform State Laws, and that such appropriations be continued to enable the Commissioners to carry on proper committee work, and to hasten the preparation of uniform acts on various subjects.

7. The legislatures of this and adjoining States should give special importance to the subject of Uniform State Laws by the creation of appropriate committees so as to enable regular co-operation between the Illinois Commission upon this subject, the Illinois State Bar Association Committee on Uniform State Laws, the Attorney General, and the National Conference of Commissioners on Uniform State Laws.

8. Consideration be given by this and other appropriate organizations to a constitutional re-organization of Governmental Departments, as suggested in the report of the Efficiency and Economy Committee of the 48th General Assembly of the State

* For a select bibliography upon this subject, see Appendix "N" hereto attached.

of Illinois for 1915, and that a Central Bureau be created, which should have the duty of obtaining reports from the other Departments of the State and from other States upon the needs and proposals for Uniformity, so that Acts may be made more complete and effective upon this subject, and that many questions such as sanitation, pure food, transportation, etc., which do not fall within the direct problems of the National Conference of Commissioners on Uniform State Laws, but upon which direct co-operation of various States, State bureaus and commissions, would be beneficial, would be given adequate attention.

9. The General Assembly of Illinois, and of adjoining States, be requested to provide by rule or otherwise that when a Uniform State Law, prepared by the National Conference of Commissioners on Uniform State Laws, has been once adopted, that changes shall not be made therein until submitted to the State Commission for the Uniformity of Legislation in the United States, or to the National Conference of Commissioners on Uniform State Laws, in order that it may have before it the recommendation of such bodies before making any changes in such Uniform State Laws.

10. The Committee on Uniform State Laws of this association be requested to give consideration to the powers of Congress under the United States Constitution, Article I, Section 10, to consent that the States may make compacts with each other to enact uniform laws which shall be binding until altered by similar amending compacts,⁶⁶ and that they likewise be requested to give consideration to the power to allow State compacts with foreign powers with reference to commercial matters, subject to the approval by Congress.⁶⁷

11. The Illinois State Bar Association make arrangements with the National Conference of Commissioners on Uniform State Laws, and with the Illinois Commission for the Uniformity of Legislation in the United States, making such an appropriation as may be necessary to that end, to have copies of the Uniform Acts as soon as adopted by the National Conference sent to each

⁶⁶ See article by John H. Wigmore, 10 *Illinois Law Review*, 396.

⁶⁷ See article by John H. Wigmore, 10 *Illinois Law Review*, 396.

member of this Association to the end that they may become familiar with the progress being made in the field of Uniform State Laws.

This concludes my recommendations.

XIV. CONCLUSION.

In closing, may I call your attention to the fact that legislation on every subject in this country is today the product of national thought and national agitation, and that this fact should be given due recognition, even though the subject matter of the legislation is supposed to be local. More and more every day the citizens of this country are coming to think in terms of the Nation. It was said in the time of Washington that some of the people thought locally, and others thought continentally. It is not less true today, but those who have the National point of view are in the ascendancy now, and unless there is a determined effort to have the States unify their laws by consent, Nationally, along progressive lines, there will be a constantly increasing and determined effort to have the Federal Constitution so construed or amended as to give to Congress power to enact general laws on subjects of general concern, which shall be applicable to all the people wherever the power of the United States extends.

Commerce has outstripped and over-leaped the boundaries of the States long ago. The division of power between the State and the Nation is a wise and beneficent one, but the States, through such Uniform State Laws as these applied to ever widening fields, must either meet their responsibilities or lose still further their prestige and power.

The subject, however, is of wider interest and of deeper import than the mere needs of commerce. It concerns the continuance of our National ideals and the preservation of our fundamental democracy. And not only these, but what at this hour seems to be even more vitally necessary, above any convenience of communications, facility of trade, certainty of contract, or advantage of industry, the sense of our National unity. It was long ago said by Edmund Burke:

"It is with nations as with individuals. Nothing is so strong a tie of amity between nation and nation as correspondence in laws, customs, manners and habits of life. They have

more than the force of treaties in themselves. They are obligations written in the heart."

While common language, religious impulses, racial characteristics, national traditions, social customs, and the common law all promote national unity, surely law common to all sections of our country would not be least among these.

Through ever increasing attention to and interest in Uniformity of Law, then, let us seek to advance the efficiency of our Government, preserve its democracy, and achieve its National unity.

APPENDIX "A."

State of New York.

No. 575 Int. 535.

IN SENATE.

March 16, 1888.

"Introduced by Mr. Van Cott—read twice and referred to the committee on the judiciary—reported for the consideration of the Senate and committed to the committee of the whole—ordered, when printed, to be recommitted to the committee on the judiciary.

"AN ACT
TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY
OF LEGISLATION IN THE UNITED STATES.

"WHEREAS, The welfare of the people of the United States would be promoted by the enactment of uniform laws in the several states upon topics of common and public concern with reference to which the interests of the people in every state are identical, to wit: marriage and divorce, insolvency, the form of notarial certificates and other subjects; and

"WHEREAS, A practical uniformity in these laws can best be attained by the concerted and concurrent action of the several states; therefore,

"The People of the State of New York, represented in Senate and Assembly, do enact as follows:

"SECTION 1. Within thirty days after the passage of this act, the Governor shall appoint, by and with the consent of the senate, three commissioners, who are hereby constituted a board of commissioners by the name and style of "commissioners for the promotion of uniformity of legislation in the United States." It shall be the duty of said board to examine the subjects stated in the preambles of this act; to ascertain the best means to effect an assimilation and uniformity in the laws of the states, and especially to consider whether it would be wise and practicable for the State of New York to invite the other states of the Union to send representatives to a convention which shall draft uniform laws to be submitted for the approval and adoption of the several states, and to devise and recommend such other course of action as shall best accomplish the purpose of this act.

Sec. 2. Said commissioners shall hold office for a term not

exceeding two years. No member of said board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office. In case any of the persons so appointed as above will not undertake the office of this commission, or in case of a vacancy on said board, such vacancy shall be filled by the Governor.

"Sec. 3. Said board may employ such person and incur such expenses as may be necessary in the performance of their duties; but the total annual expense of said board shall not exceed the sum of five thousand dollars.

"Sec. 4. The sum of five thousand dollars, or so much thereof as may be necessary, payable out of any moneys in the treasury not otherwise appropriated, is hereby appropriated subject to the audit of the comptroller to carry out the provisions of this act, and the same shall be payable by the comptroller to the said commissioners.

"Sec. 5. Said board shall report to the legislature at its next session an account of its transactions and its advice and recommendations as required by section one of this act.

"Sec. 6. This act shall take effect immediately."

New York, March 7, 1888.

"To the Legislature of the State of New York:

"The undersigned respectfully represent: That they approve of the bill hereto attached, entitled 'An Act to Provide for the Appointment of Commissioners for the Promotion of Uniformity of Legislation in the United States,' and that they are desirous to have it become a law.

THEODORE W. DWIGHT,
HOOPER C. VAN VORST,
WALDO HUTCHINS,
ANDREW H. GREEN,
DAVID R. JACQUES,
WILLIAM ALLEN BUTLER,
DANIEL G. ROLLINS,
CHAS. E. STRONG,
HENRY E. ROWLAND,
WAGER SWAYNE,
JOHN F. DILLON,
GEO. HOADLEY,
AUSTIN ABBOTT,
THERON G. STRONG,
SAMUEL B. CLARKE,

JOSHUA M. VAN COTT,
SIMON STERNE,
W. W. NILES,
WILLIS S. PAINE,
NOAH DAVIS,
WILLIAM DORSHEIMER,
F. R. COUDERT,
ALBERT E. HENSCHEL."

"SUGGESTIONS
in favor of

"Assembly bill: 'To provide for the Appointment of Commissioners for the Promotion of Uniformity of Legislation in the United States.'"

"As the author of the above entitled bill, now awaiting executive action, I deem it proper to say something in its favor.

"This bill was originally introduced in 1888 by Senator Van Cott and was then favorably reported by the Senate Judiciary Committee; it passed the Assembly in 1888 and 1889 but was each time blocked in the Senate by the opposition of Senators Kellogg and Robertson.

"It will scarcely be necessary to molest you by an extended discussion of the attractive subject to which this bill relates; the recommendations upon this subject, contained in your annual message of 1889 are sufficient proof of your sympathy with the contemplated reforms sought to be initiated by this measure.

"I have the honor to submit two newspaper extracts of the year 1888, setting forth some of the ideas which gave rise to this movement, and also showing the names of the eminent jurists who joined me in the original memorial to the legislature, in favor of the bill.

Respectfully submitted by

ALBERT E. HENSCHEL.

Hon. David B. Hill, Governor, Albany, N. Y.

Dated New York, 214 Broadway,

April 19, 1890.

Enclosing extracts from *Tribune*, March 19, 1888, and *Star*, February 25, 1888."

W. F. WARREN, LL.D.,
President.

EDMUND H. BENNETT, LL.D.,
Dean.

Boston University,
School of Law,
10 Ashburton Place,

Boston, February 27, 1888.

"Dear Sir: I have examined the copy of your proposed bill

and think it wise as a preliminary or introductory measure. Perhaps the statement that Congress can not remedy evils from want of uniformity is not quite true as to bankruptcy, since it has express power to legislate on that subject. And *some* think Congress may do the same as to Marriage and Divorce under the power in Sec. 8, to 'provide for the general welfare,' but this is not probably generally admitted; and some amendment would be necessary to enable Congress to act on the subject. In the meantime State legislation or State *agitation* will be useful and educating.

"I send this through Mr. Gregory, but if you please to send me your address, I should be happy to send you a copy of one or two articles of mine in the Forum on the subject.

Very truly yours,

EDMUND H. BENNETT, (*Signed.*)

"Senator Van Cott, etc., etc."

APPENDIX "B."

LIST OF THE OFFICERS AND COMMITTEES OF THE
NATIONAL CONFERENCE OF COMMISSIONERS ON
UNIFORM STATE LAWS, 1915-1916 AND 1916-1917.

1915-16.

OFFICERS.

William H. Staake, 648 City Hall, Philadelphia, Pennsylvania,
President.

Nathan William MacChesney, 30 N. La Salle St., Chicago,
Illinois, *Vice-president.*

Thomas A. Jenckes, Turks Head Bldg., Providence, Rhode
Island, *Treasurer.*

George B. Young, Newport, Vermont, *Secretary.*

EXECUTIVE COMMITTEE.

Appointed Members: Eugene C. Massie, 1136 Mutual Bldg.,
Richmond, Virginia, *Chairman.* Henry Stockbridge, 75 Gunther
Bldg., Baltimore, Maryland. Merrill Moores, 1025 Law Bldg.,
Indianapolis, Ind., Washington, District of Columbia. W. O. Hart,
134 Carondelet St., New Orleans, Louisiana. *Ex-Officio:* Presi-
dent, Secretary, Treasurer, and last Ex-President, Charles Thad-
deus Terry, 100 Broadway, New York, N. Y.

1916-17.

OFFICERS.

William H. Staake, 648 City Hall, Philadelphia, Pennsylvania,
President.

Stephen P. Allen, Topeka, Kansas, *Vice-President.*

W. O. Hart, 134 Carondelet St., New Orleans, La., *Treasurer.*

Geo. B. Young, 1 Heaton Block, Montpelier, Vt., *Secretary.*

STANDING COMMITTEES.

1. **EXECUTIVE COMMITTEE**.—*Appointed Members*: Eugene C. Massie, Virginia, *Chairman*. Henry Stockbridge, Maryland. Cordenio A. Severance, Minnesota. Nathan William MacChesney, Illinois. John R. Hardin, New Jersey. *Ex-Officio*: William H. Staake, President. Stephen H. Allen, Vice President. William O. Hart, Treasurer. George B. Young, Secretary. Charles Thaddeus Terry, Ex-President.

2. **LEGISLATURE**.—Sampson R. Child, Minnesota. Hollis R. Bailey, Massachusetts. Gurney E. Newlin, California. J. Hansell Merrill, Georgia. George D. Ayers, Idaho. A. V. Cannon, Ohio. Mark A. Sullivan, New Jersey.

3. **PUBLICITY**.—Edwin A. Krauthoff, Missouri, *Chairman*. James R. Caton, Virginia. Frank M. Clevenger, Ohio. T. A. Hammond, Georgia. George B. Young, Vermont. U. S. G. Cherry, South Dakota. Charles Thaddeus Terry, New York.

4. **SCOPE AND PROGRAM**.—(Elected) W. A. Blount, Florida, *Chairman* (1 year). Ernst Freund, Illinois (2 years). William M. Hargest, Pennsylvania (2 years). Eugene A. Gilmore, Wisconsin (1 year). Andrew A. Bruce, North Dakota (3 years). The President, *ex-officio*.

SPECIAL COMMITTEES.

1. **COMMERCIAL LAW**.—Walter George Smith, Pennsylvania, *Chairman*. Nathan William MacChesney, Illinois. George White-lock, Maryland. A. T. Stovall, Mississippi. Samuel Williston, Massachusetts. Francis M. Burdick, New York. Sampson R. Child, Minnesota.

2. **WILLS, DESCENT AND DISTRIBUTION**.—W. A. Blount, Florida, *Chairman*. James R. Caton, Virginia. A. E. Cheney, Nevada. Francis M. Burdick, New York. Harry L. Cram, Maine. W. H. Washington, Tennessee. C. C. Saunders, Iowa.

3. **MARRIAGE AND DIVORCE**.—Andrew A. Bruce, North Dakota, *Chairman*. Walter George Smith, Pennsylvania. Alfred Battle, Washington. Hollis R. Bailey, Massachusetts. James R. Caton, Virginia. Dan H. Ball, Michigan. Stephen H. Allen, Kansas.

4. CONVEYANCES.—John R. Hardin, New Jersey, *Chairman*. John Hinkley, Maryland. Charles W. Waterman, Colorado. Royal A. Gunnison, Alaska. I. D. Wall, Louisiana. Henry W. Bullock, Indiana. James M. Graham, Illinois.

5. INSURANCE.—Joseph Madden, New Hampshire, *Chairman*. Ralph S. Thornton, Louisiana. W. P. Breen, Indiana. John H. Voorhees, South Dakota. Henry B. Shaw, Vermont. George W. Bates, Michigan. Edwin A. Krauthoff, Missouri.

6. INCORPORATION.—Charles Thaddeus Terry, New York, *Chairman*. John R. Hardin, New Jersey. W. M. Crook, Texas. James R. Caton, Virginia. Joseph F. O'Connell, Massachusetts. C. A. Severance, Minnesota. Nathan William MacChesney, Illinois.

7. REGISTRATION OF TITLE TO LAND.—Eugene C. Massie, Virginia, *Chairman*. Walter George Smith, Pennsylvania. John H. Wigmore, Illinois. W. A. Blount, Florida. Rome G. Brown, Minnesota. Hiram Glass, Texas. Charles E. Blydenbough, Wyoming.

8. UNIFORMITY OF JUDICIAL DECISIONS.—Henry Stockbridge, Maryland, *Chairman*. Eugene A. Gilmore, Wisconsin. Charles Thaddeus Terry, New York. James R. Caton, Virginia. W. E. Mullen, Wyoming. Hugh H. Brown, Nevada. C. R. Hollingsworth, Utah.

9. DEPOSITIONS AND PROOF OF STATISTICS OF OTHER STATES.—Peter W. Meldrim, Georgia, *Chairman*. Hollis R. Bailey, Massachusetts. Andrew A. Bruce, North Dakota. A. V. Cannon, Ohio. Christopher L. Avery, Connecticut. W. H. Folland, Utah. Mark A. Sullivan, New Jersey.

10. PURITY OF ARTICLES OF COMMERCE.—William M. Hargest, Pennsylvania, *Chairman*. Walter E. Coe, Connecticut. Carlos C. Alden, New York. Thomas A. Jenckes, Rhode Island. Cyrenius P. Black, Michigan. Charles McCarthy, Wisconsin. Alonzo H. Stewart, District of Columbia.

1. VITAL AND PENAL STATISTICS.—Nathan William MacChesney, Illinois, *Chairman*. Eugene A. Gilmore, Wisconsin. George D. Ayers, Idaho. J. S. Sexton, Mississippi. Charles W. Smith, Kansas. William M. Williams, Missouri. Bradner W. Lee, California.

12. TAXATION.—Ernst Freund, Illinois, *Chairman*. Hollis R. Bailey, Massachusetts. Thomas A. Jenckes, Rhode Island. William M. Hargest, Pennsylvania. F. M. Clevenger, Ohio. Alfred Battle, Washington. Frederick N. Judson, Missouri.

13. AUTOMOBILE LEGISLATION.—Cyrenius P. Black, Michigan, *Chairman*. R. S. Thornton, Louisiana. Carlos C. Alden, New York. William B. Greenough, Rhode Island. Edwin A. Krauthoff, Missouri. Robert L. Manning, New Hampshire. Joseph F. O'Connell, Massachusetts.

14. LEGISLATIVE DRAFTING.—Ernst Freund, Illinois, *Chairman*. Charles Thaddeus Terry, New York. Merrill Moores, Indiana. T. Moultrie Mordecai, South Carolina. Samuel Williston, Massachusetts. Charles McCarthy, Wisconsin. Rome G. Brown, Minnesota.

15. REPORTING AND PREVENTION OF OCCUPATIONAL DISEASES AND OF INDUSTRIAL ACCIDENTS.—Hollis R. Bailey, Massachusetts, *Chairman*. Charles E. Shepard, Washington. Cordenio A. Severance, Minnesota. Nathan William MacChesney, Illinois. George D. Ayers, Idaho. W. H. Folland, Utah. R. H. Willis, Virginia.

16. TO CO-OPERATE WITH AMERICAN INSTITUTE OF CRIMINAL LAW AND CRIMINOLOGY.—John H. Wigmore, Illinois, *Chairman*. W. A. Blount, Florida. Charles W. Smith, Kansas. Frank X. Boden, Wisconsin. Christopher L. Avery, Connecticut. James W. Satterfield, Delaware. E. F. Dawley, Iowa.

17. LEGISLATION RELATING TO THE USE OF THE FLAG.—George W. Bates, Michigan, *Chairman*. Nathan William MacChesney, Illinois. Henry Stockbridge, Maryland. W. O. Hart, New Orleans. J. D. Murphy, North Carolina. Royal A. Gunnison, Alaska. A. A. Wilder, Hawaii.

18. TO CO-OPERATE WITH THE AMERICAN JUDICATURE SOCIETY.—John Hinkley, Maryland, *Chairman*. Royal A. Gunnison, Alaska. Charles S. Lobingier, Shanghai, China. Mark A. Sullivan, New Jersey. Henry W. Bullock, Indiana. Joseph Madden, New Hampshire. William M. Burdick, Kansas.

19. COMPACTS AND AGREEMENTS BETWEEN THE STATES.—George D. Ayers, Idaho, *Chairman*. Rome G. Brown, Minnesota.

John H. Wigmore, Illinois. Andrew A. Bruce, North Dakota. Merrill Moores, Indiana. James R. Caton, Virginia. Hollis R. Bailey, Massachusetts.

20. JUDICIAL DETERMINATION OF INDUSTRIAL DISPUTES.—
Hollis R. Bailey, Mass., *Chairman*. Nathan William MacChesney, Illinois. Merrill Moores, Indiana. Charles Thaddeus Terry, New York. Rome G. Brown, Minnesota. Frederick N. Judson, St. Louis, Mo. A. V. Cannon, Ohio.

APPENDIX "C."

LIST OF COMMISSIONERS ON UNIFORM STATE LAWS,
1916-1917.

ALABAMA.—Ray Rushton, Montgomery; T. M. Stevens, Mobile; W. C. Davis, Jasper; F. G. Bromberg, 72 St. Francis St.; Mobile.

ALASKA.—Royal A. Gunnison, 101 Decker Bldg., Juneau; George B. Grigsby, Nome; Fred M. Brown, Valdez.

ARIZONA.—W. B. Cleary, Bisbee; A. A. Worsley, Tucson; H. A. Davis, Phoenix.

ARKANSAS.—John M. Moore, Moore & Turner Bldg., Little Rock; Frank Pace, Little Rock; Ashley Cockrill, Southern Trust Bldg., Little Rock; Joseph M. Hill, Fort Smith; Nathan B. Williams, Fayetteville, also Southern Bldg., Washington, D. C.

CALIFORNIA.—Gurney E. Newlin, 718 Title Insurance Bldg., Los Angeles; Bradner W. Lee, Los Angeles; Fred H. Lindley, San Diego; Joseph Scott, Los Angeles; W. P. Butcher, Santa Barbara.

COLORADO.—S. S. Packard, Pueblo; Willis L. Strachan, Colorado Springs; Charles W. Waterman, 414 Equitable Bldg., Denver; Harry E. Kelley, Denver, also Washington, D. C.; Henry C. Hall, Colorado Springs, also Interstate Commerce Commission, Washington, D. C.

CONNECTICUT.—Talcot H. Russell, 42 Church St., New Haven; Walter E. Coe, Stamford, also 165 Broadway, New York, N. Y.; Christopher L. Avery, Groton.

DELAWARE.—Phillip I. Churchman, Wilmington; James M. Satterfield, Dover; Charles M. Cullen, Georgetown.

DISTRICT OF COLUMBIA.—Alonzo H. Stewart, Washington.

FLORIDA.—William A. Blount, Pensacola; Louis C. Massey, Orlando; Robert E. Davis, Gainesville.

GEORGIA.—J. Hansell Merrill, Thomasville; P. W. Meldrim, 15 W. Bay St., Savannah; T. A. Hammond, Atlanta.

HAWAII.—C. H. Olson, Honolulu; A. A. Wilder, Honolulu.

IDAHO.—John F. Nugent, Boise; B. H. Miller, St. Anthony; Geo. W. Tannahill, Lewiston; Geo. D. Ayers, Moscow.

ILLINOIS.—Ernst Freund, University of Chicago, Chicago; Nathan William MacChesney, 30 N. La Salle St., Chicago; John C. Richberg, 1817 Harris Trust Bldg., Chicago; John H. Wigmore, Northwestern University Law School, Chicago; Oliver A. Harker, University of Illinois, Champaign.

The terms of these Commissioners expired July 15, 1916, and Governor Dunne on August 4, 1916, appointed the following for the ensuing four year term:

Ernst Freund, University of Chicago, Chicago.

Nathan William MacChesney, 30 N. La Salle St., Chicago.

John H. Wigmore, Northwestern University Law School, Chicago.

James M. Graham, Springfield.

Joseph J. Thompson, Springfield.

INDIANA.—Charles Remster, Indianapolis; William P. Breen, 913 Calhoun St., Fort Wayne; Merrill Moores, 1025 Law Bldg., Indianapolis, also Washington, D. C.; Ferdinand H. Winter, Indianapolis; Henry W. Bullock, Indianapolis; E. B. Stotsenberg, New Albany; Lex J. Kirkpatrick, Kokomo.

IOWA.—H. E. Deemer, Red Oak; J. B. Weaver, Des Moines; C. G. Saunders, Council Bluffs; E. F. Dawley, Cedar Rapids; J. W. Good, Cedar Rapids.

KANSAS.—S. H. Allen, Topeka; S. N. Hawkes, Topeka; Charles W. Smith, Topeka; William L. Burdick, Lawrence; A. M. Keen, Fort Scott.

KENTUCKY.—John T. Shelby, Lexington; James R. Duffin, Louisville; D. W. Wright, Bowling Green.

LOUISIANA.—W. O. Hart, 134 Carondelet St., New Orleans; I. D. Wall, 910 Pike Row, Baton Rouge; R. S. Thornton, Alexandria.

MAINE.—Charles P. Barnes, Houlton; P. H. Gillin, Bangor; Harry L. Cram, 102 Exchange St., Portland.

MARYLAND.—George Whitelock, 1416 Munsey Bldg., Baltimore; Henry Stockbridge, 75 Gunther Bldg., Baltimore; John Hinkley, 215 N. Charles St., Baltimore.

MASSACHUSETTS.—Hollis R. Bailey, 19 Congress St., Boston; Samuel Williston, Cambridge; Joseph F. O'Connell, 53 State St., Boston.

MICHIGAN.—Dan H. Ball, Marquette; C. P. Black, Lansing; George W. Bates, Dime Bank Bldg., Detroit.

MINNESOTA.—Rome G. Brown, 1006 Metropolitan Life Bldg., Minneapolis; C. A. Severance, St. Paul; S. R. Child, Minneapolis.

MISSISSIPPI.—R. N. Miller, Hazelhurst; Le Roy Percy, Greenville; O. G. Johnston, Clarksdale; A. T. Stovall, Okolona; J. S. Sexton, Hazelhurst.

MISSOURI.—Edwin A. Krauthoff, Kansas City, also 713 Riggs Bldg., Washington, D. C.; Frederick N. Judson, Merchants-Laclede Bldg., St. Louis; Manley O. Hudson, Columbia.

MONTANA.—Louis P. Saunders, Butte; Stephen J. Cowley, Great Falls; J. B. Roote, Butte.

NEBRASKA.—John L. Webster, 326 New York Life Bldg., Omaha; Thomas J. Doyle, Lincoln; J. A. C. Kennedy, Omaha.

NEVADA.—A. E. Cheney, Reno; E. E. Caine, Elko; Mrs. W. K. Freudenberger, Carson City; Hugh H. Brown, Tonopah.

NEW HAMPSHIRE.—Robert Manning, Manchester; Joseph Madden, Keene; Ira A. Chase, Bristol.

NEW JERSEY.—John R. Hardin, Prudential Bldg, Newark; Mark A. Sullivan, Jersey City; Frank Bergen, 755 Broad St., Newark.

NEW MEXICO.—F. C. Wilson, Santa Fe; James M. Hervey, Roswell; J. A. Fitch, Socorro.

NEW YORK.—Charles Thaddeus Terry, 100 Broadway, New York, N. Y.; Francis M. Burdick, Columbia University, New York, N. Y.; Carlos C. Alden, Buffalo Law School, Buffalo, N. Y.

NORTH CAROLINA.—J. D. Murphy, Asheville; J. Crawford Biggs, Raleigh; Lindley Patterson, Winston-Salem.

NORTH DAKOTA.—John E. Greene, Minot; Andrew A. Bruce, Bismarck; E. P. Kelley, Carrington.

OHIO.—A. V. Cannon, 1414 Williamson Bldg., Cleveland; Frank P. Richter, Hamilton; F. M. Clevenger, Wilmington.

OKLAHOMA.—D. A. McDougal, Sapulpa; George Trice, Coalgate; Robert E. Adams, Taloga.

OREGON.—H. H. Emmons, 366 Washington St., Portland; W. H. Fowler, Portland; Charles J. Schnabel, Portland.

PENNSYLVANIA.—William H. Staake, 648 City Hall, Philadel-

phia; William M. Hargest, Harrisburg; Walter George Smith, Philadelphia.

PHILIPPINE ISLANDS.—Charles S. Lobingier, Shanghai, China; Julian A. Wolfson, 65 Juan Luna St., Binando Manila.

PORTO RICO.—Manuel Rodriguez Serra, San Juan; Emilio del Toro, San Juan.

RHODE ISLAND.—Thomas A. Jenckes, Turks Head Bldg., Providence; William B. Greenough, 32 Westminster St., Providence; William A. Morgan, Providence.

SOUTH CAROLINA.—T. Moultrie Mordecai, 43 Broad St., Charleston; B. Hart Moss, Orangeburg; J. P. Thomas, Jr., Columbia.

SOUTH DAKOTA.—J. H. Voorhees, Sioux Falls; Jason E. Payne, Vermillion; U. S. G. Cherry, Sioux Falls; Perry F. Loucks, Watertown; Charles S. Whiting, Pierre.

TENNESSEE.—W. H. Washington, Nashville; Lemuel Banks, Memphis; Thad A. Cox, Johnson City.

TEXAS.—William M. Crook, Beaumont; J. B. Dibrell, Sequin; S. P. Hardwicke, Abileno; Hiram Glass, Austin; H. M. Garwood, Houston; W. C. Morrow, Hillsboro; Robert P. Coon, San Antonio.

UTAH.—W. H. Folland, 1022 Boston Bldg., Salt Lake City; Charles R. Hollingsworth, Ogden; L. B. Wight, Salt Lake City.

VERMONT.—John C. Sargent, Ludlow; Henry B. Shaw, Burlington; Geo. B. Young, Heaton Block, Montpelier.

VIRGINIA.—Eugene C. Massie, 1136 Mutual Bldg., Richmond; James R. Caton, Alexandria; R. H. Willis, Roanoke.

WASHINGTON.—Charles E. Shepard, 613 N. Y. Bldg., Seattle; W. V. Tanner, Olympia; Alfred Battle, 901 Alaska Bldg., Seattle.

WEST VIRGINIA.—Charles W. Dillon, Fayetteville; Edgar B. Stewart, Morgantown; Charles E. Hogg, Point Pleasant; W. W. Brannon, Weston; Reese Blizzard, Parkersburg.

WISCONSIN.—E. A. Gilmore, University of Wisconsin, Madison; Charles McCarthy, Legislative Reference Library, Madison; Frank X. Boden, Milwaukee.

WYOMING.—W. E. Mullen, Cheyenne; W. L. Simpson, Cody; Charles E. Blydenburgh, Rawlins.

APPENDIX "D."

ILLINOIS.

COMMISSION FOR UNIFORMITY OF LEGISLATION.
AN ACT

To Create and Establish a Commission for the Promotion of Uniformity of Legislation in the United States, for the Appointment of Members of Said Commission and to Prescribe Their Duties. (Approved June 3, 1907. In force July 1, 1907. L. 1907, p. 570).

Creates Commission.

Be it enacted by the People of the State of Illinois, Represented in the General Assembly:

Section 1. There is hereby created a Commission which shall be styled "Commission for the Uniformity of Legislation in the United States," to consist of five persons, to be appointed by the Governor and who shall hold office for the term of four years respectively, and until their successors are appointed. Said Commissioners shall be known as "Commissioners of Uniform State Laws."

DUTY OF COMMISSIONERS—REPORT.

Section 2. It shall be the duty of said Commission to examine the subjects of marriage and divorce, commercial paper, insolvency, form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probation of wills, and all other subject (subjects) on which uniformity is desirable with the laws of other States, to ascertain the best means to effect uniformity in the laws of the States and to represent the State of Illinois in convention, conference or congress of like Commissions heretofore appointed or to be appointed by other States to consider and draft uniform laws to be submitted for the approval and adoption by the several States and to devise and recommend such other

course of action as shall best accomplish the purpose of this Act. Such Commissioners shall report to the Governor at least thirty days before the convening of the biennial session of the General Assembly, and the Governor shall submit to the General Assembly such report with his recommendations, if any, in reference thereto.

APPENDIX "E."

STATE OF ILLINOIS COMMISSION FOR UNIFORMITY
OF LEGISLATION.

NATHAN WILLIAM MACCHESNEY,
President,
30 N. LaSalle Street, Chicago.

ERNST FREUND,
Secretary,
University of Chicago.

COMMISSIONERS:

ERNST FREUND, Chicago.

NATHAN WILLIAM MACCHESNEY, Chicago.

JOHN H. WIGMORE, Chicago.

JAMES M. GRAHAM, Springfield.

JOSEPH J. THOMPSON, Chicago.

The above Commissioners were appointed by His Excellency, Governor Edward F. Dunne, on August 4, 1916, for the ensuing four year term:

Note:—It should be noted that the Commissioners of Illinois, as of every other State, serve without compensation. The statutes in many of the States provide for the payment of the expenses of the Commissioners and for an appropriation as a contribution to the funds of the National Conference. The foregoing statute makes no such provision, and for many years the Commissioners from Illinois, in addition to serving without compensation, had to pay their own expenses and the expenses of the State Commission, and were not able to make any contribution to the National Conference. For several years, the Illinois State Bar Association, in order to assist in this work, appropriated annually \$150 towards the expenses of the National Conference, so that the Illinois Commission might not be em-

barrassed in this respect. The last session of the General Assembly in its general appropriation bill, however, has provided for an annual appropriation of \$500 towards the expenses of the National Conference and of the State Commission, though of course not for compensation for the Commissioners. This legislation was secured through the efforts of Honorable George H. Wilson, of the Illinois State Bar Association Committee on Uniform State Laws, and a member of the General Assembly, and through the cordial co-operation of his Excellency Governor Edward F. Dunne.

APPENDIX "F."

COMPILATIONS
of the
ILLINOIS LEGISLATIVE REFERENCE BUREAU.

Springfield, Illinois.

Finley F. Bell, Secretary.

Absent voting laws of the various states. 1915. 21 p. Tpw.

Abstract of laws of the states relating to textbooks. 1915.

n. p.

Abstract of the Workmen's Compensation Act of the Industrial Board. 9 p. Tpw.

Arbitration of labor disputes: bibliography. 1915. 3 p. Tpw.

Arguments against the commission plan of government, with bibliography. 1915. 4 p. Tpw.

Bibliography dealing with cooperation in New England with extracts from the laws. 4 p. Tpw.

Bibliography on fire insurance in foreign countries. 1915. Tpw. 2 p.

Bibliography on loan sharks and list of states having laws regulating the business. 1915. 3 p. Tpw.

Bibliography on public utility references in the Illinois Legislative Reference Bureau. 1914. 5 p. Tpw.

Blue Sky laws: List of references. 1915. 3 p. Tpw.

Budget: Bibliography of material in the Illinois Legislative Reference Bureau. 1915. 5 p. Tpw.

Budget classification and rules of procedure for the officers of the several state departments for filing estimates for the fiscal period 1915-1916. 1914. 5 p.

Commissions and boards: Bills relating thereto introduced in the 49th G. A., 1915. 4 p. Tpw.

Civil service recommendations in the messages of the Governors of the several states. 1915. 6 p. Tpw.

Commission government in American cities. 1914. 7 p. Tpw.

Considerations relating to the subject of suffrage. 1915. 34 p. Tpw.

Constitutional provisions and cases involving the vetoing of specific items in appropriation bills. 12 p. Tpw. 1915.

Digest of bills passed by the 49th General Assembly, 1915.

Digest of headlight legislation in the various states. June 1, 1914. 40 p. Tpw.

Digest of legislation enacted and proposed, 48th G. A. 1913, 1914. 112 p.

Digest of the laws of the several states relating to punishment for slander. 1913. 3 p. Tpw.

Eugenics: List of references. 1916. 3 p. Tpw.

Gas production: Bibliographies and correspondence. 1913. 20 p. Tpw.

History of Sunday closing laws in Illinois. 1915. 5 p. Tpw.

Hours of labor in railroads in the different states of the U. S. 1915. 7 p. Tpw.

Illinois party platforms, 1914, with select bibliographies of available material on file on the Legislative Reference Bureau. 1914. 43 p.

Investigation concerning State laryngologist. 1914. 5 p. Tpw.

Jim Crow laws in the various states. 1913. 5 p. Tpw.

Labor unions stand on woman suffrage. 1916. 4 p. Mimeograph.

Laws of the various states concerning the licensing of commission merchants, with bibliography. 1915. 12 p. Tpw.

Leading cases on the constitutionality, meaning and question of dependency of workmen's compensation acts. 1914. n. p.

Limited representation of cities in state legislatures. 1915. 7 p. Tpw.

List of references to wages of women in industry. 1914. 3 p. Tpw.

List of references on workmen's compensation. n. p. 13 p. Tpw.

List of subject headings. 1915. 55 p.

Methods of electing speakers of the House of Representatives in the various legislatures: constitutional provisions. n. p. n. d.

Need for a constitutional convention in Illinois. 1915. 8 p.

Negro progress. 4 p. Tpw. 1914.

Pension bills in the 49th General Assembly. 1915. 3 p. Tpw.

Private banks in Illinois. 1915. 7 p. Tpw.

Roster of associations, bureaus, departments, institutions, officers, etc. 1914. 8 p.

————— new ed. 1915. 30 p.

————— new ed. 1916. 58 p.

Roster of the membership of the 49th General Assembly. 1915. 8 p.

Rotation of names on ballot, with extracts from laws. 1915. 8 p.

Salary regulation by various corporations and states. 4 p. Tpw.

Sheriff's duties in regard to lynching. 1913. 4 p. Tpw.

Statistics of capital punishment of Australia, Spain, Saxony, France and the various states of the United States. n. p. (1914).

Status of appropriation bills. 12 p. 1915.

Status of the Fergus suits. 14 p. 1915.

Summary of laws of the various states on maternity hospitals, guardianship, probation and visitation of children. 1914.

Sunday closing: a summary of the laws of the several states prohibiting the sale of liquor on Sunday. 1915.

Table showing laws of various states relating to the reporting of occupational diseases. 1913. Tpw.

Workmen's compensation act and rules of procedure, issued by the Industrial Board, and prepared by the Legislative Reference Bureau. 1914. 51 p.

Statement of the purposes and advantages of the legislative reference bureau of the State of Illinois, 4 p.

APPENDIX "G."

LIST OF STATES, TERRITORIES, AND FEDERAL DISTRICTS ARRANGED ALPHABETICALLY, SHOWING SITUATION IN EACH STATE WITH REFERENCE TO ELEVEN UNIFORM ACTS.

	States, Territories and Federal District.	Negotiable In- struments.	Salaries.	Warehouse Receipts.	Divorce.	Bills of Lading.	Stock Transfer.	Family Desertion.	Probate of Foreign Wills.	Marriage Evasion.	Partnership.	Workmen's Com- pensation.
Alabama	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Arizona	Yes	No	No	No	No	No	No	No	No	No	No	No
Arkansas	Yes	No	No	No	No	No	No	No	No	No	No	No
California	No	No	Yes	No	No	Yes	No	No	No	No	No	No
Colorado	Yes	No	Yes	No	No	No	No	No	Yes	No	No	No
Connecticut	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No
Delaware	Yes	No	No	Yes	No	No	No	Yes	No	No	No	No
Florida	Yes	No	No	No	No	No	No	No	No	No	No	No
Georgia	No	No	No	No	No	No	No	No	No	No	No	No
Idaho	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Illinois	Yes	Yes	Yes	No	No	Yes	No	No	No	Yes	No	No
Indiana	Yes	No	No	No	No	No	No	No	No	No	No	No
Iowa	Yes	No	Yes	No	No	Yes	No	No	No	No	No	No
Kansas	Yes	No	Yes	No	No	No	No	Yes	Yes	No	No	No
Kentucky	Yes	No	No	No	No	No	No	No	No	No	No	No
Louisiana	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Maine	No	No	No	No	No	No	No	No	No	No	No	No
Maryland	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No	No
Massachusetts	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No
Michigan	Yes	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	No	No
Minnesota	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Mississippi	No	No	No	No	No	No	No	No	No	No	No	No
Missouri	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Montana	Yes	No	No	No	No	No	No	No	No	No	No	No
Nebraska	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Nevada	Yes	Yes	Yes	No	No	No	No	No	Yes	No	No	No
New Hampshire	Yes	No	No	No	No	No	No	No	No	No	No	No
New Jersey	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
New Mexico	Yes	No	Yes	No	No	No	No	No	No	No	No	No
New York	Yes	Yes	Yes	No	Yes	Yes	Yes	No	No	No	No	No
North Carolina	Yes	No	No	No	No	No	No	No	No	No	No	No
North Dakota	Yes	No	No	No	No	No	No	Yes	No	No	No	No
Ohio	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No
Oklahoma	Yes	No	No	No	No	No	No	No	No	No	No	No
Oregon	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes
Pennsylvania	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	Yes	No
Porto Rico	Yes	No	No	No	No	No	No	No	No	No	No	No
Rhode Island	Yes	Yes	Yes	No	Yes	Yes	No	No	Yes	No	No	No
South Carolina	Yes	No	No	No	No	No	No	No	No	No	No	No
South Dakota	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Tennessee	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Texas	No	No	No	No	No	No	No	Yes	No	No	No	No
Utah	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Vermont	Yes	No	Yes	No	No	Yes	No	Yes	No	Yes	No	No
Virginia	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Washington	Yes	No	Yes	No	No	No	No	No	Yes	No	No	No
West Virginia	Yes	No	No	No	No	No	No	No	No	No	No	No
Wisconsin	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	No
Wyoming	Yes	No	No	No	No	No	No	No	No	No	No	No
Alaska	Yes	Yes	Yes	No	No	Yes	No	Yes	No	No	No	No
Hawaii	Yes	No	No	No	No	No	Yes	No	No	No	No	No
Dist. Columbia	Yes	No	Yes	No	No	No	No	No	No	No	No	No
Philippine Islands	Yes	No	Yes	No	No	No	No	No	No	No	No	No

APPENDIX "H."

	Both biennial (bi) and annual (an) Legislatures convene in January except as shown.	Commissioners appointed by Legislative Authority.	No provision for payment of Commissioners Expenses.	Negotiable Instruments, 1896	Warehouse Receipts, 1906.	Sales, 1909.	Stock Transfer, 1909.	Bills of Lading, 1906.	Partnership, 1914.
Bi	'17	x		Maine	'09				
Bi	'17	x		New Hampshire	'09				
Bi	'17	x	x	Vermont	'12	'12			'15(?)
An	'17	x		Massachusetts	'98	'07	'08	'10	'10
An	'17	x		Rhode Island	'99	'08	'08	'12	?
Bi	'17	x		Connecticut	'97	'07	'07		'11
An		x		New York	'97	'07	'11	'13	'11
An		x		New Jersey	'02	'07	'07		
Bi	'17	x		Pennsylvania	'01	'09	'15	'11	'11
Bi	'17			Delaware	'11				'15
Bi	'16	x		Maryland	'98	'10	'10	'10	'10
Bi	'16	x		Virginia	'98	'08			
Bi	'17			West Virginia	'07				
Bi	'17			North Carolina	'99				
An				South Carolina	'14				
An	June	x	x	Georgia					
Bi	'17	x	x	Florida	'97				
Bi	'16			Kentucky	'04				
Bi	'17	x	x	Tennessee	'99	'09			
Quad	'19			Alabama	'07	'15			
Bi	'16	x	x	Mississippi					
Bi	'17			Arkansas	'13				
Bi	May	x		Louisiana	'04	'08		'10	'12
Bi	'17			Texas					
Bi	'17	x		Oklahoma	'09				
Bi	'17	x		Ohio	'02	'08	'08	'11	'11
Bi	'17			Indiana	'13				
Bi	'17	x		Illinois	'07	'07	'15		'11
Bi	'17	x		Michigan	'05	'09	'13	'13	'11
Bi	'17	x		Wisconsin	'99	'09	'11	'13	'15
Bi	'17	x		Minnesota	'13	'13			
Bi	'17			Iowa	'02	'07			'11
Bi	'17			Missouri	'05	'11			
Bi	'17			Kansas	'05	'09			
Bi	'17			Nebraska	'05	'09			
Bi	'17			South Dakota	'13	'13			
Bi	'17			North Dakota	'99				
Bi	'17			Montana	'03				
Bi	'17			Idaho	'03	'15			
Bi	'17			Wyoming	'05				
Bi	'17	x	x	Colorado	'97	'11			
Bi	'16			New Mexico	'07	'09			
Bi	'17	x	x	Arizona	'13		'13		
Bi	'17	x		Utah	'99	'07			
Bi	'17			Nevada	'07	'13	'15		
Bi	'17			California		'09			
Bi	'17			Oregon	'99	'13c			?
Bi	'17	x		Washington	'99	'13			

"x"—Indicates that the caption applies to the state opposite.

'09, '12, etc.,—Indicates the year that the Uniform Act at the head of the column was adopted by the state opposite.

The year 1896, etc., following the Uniform Acts in the Caption indicate the year that the act was approved by the National Conference.

Six states hold annual, one quadrennial, and forty-one biennial sessions. All regular sessions begin in January, except Georgia (June), Florida (April) and Louisiana (May).

APPENDIX "I."

Table showing date of enactment of the Uniform Commercial Statutes in the several states, and the codification of the same in the States where they have been codified since their enactment to October 1, 1914.

NEGOTIABLE INSTRUMENTS ACT.

Alabama	1907, p. 660; Civ. Code (1907), p. 1063.
Alaska	1913, c. 64, p. 159; App. Apl. 29/13.
Arizona	1913, c. 67; Rev. Stat. (1913), Title 36.
Arkansas	1913, c. 81, p. 260; App. Feb. 21/13.
California	Passed in 1911 and vetoed by the Governor.
Colorado	1897, p. 210; Col. Stat. Anno. (1909), IV, p. 2918.
Connecticut	1897, c. 74, p. 782.
Delaware	1911, c. 181, p. 399/
Dla. Columbia	1899, Code (1911), p. 338; 30 Stat., p. 785.
Florida	1897, c. 4524; Gen. Stat. Fla. (1906), p. 1147.
Hawaii	1907, Act 89; App. Apl. 20/07.
Idaho	1903, No. 380; Rev. Code (1908), p. 1328.
Illinois	1907, p. 403; Rev. Stat. (1911), p. 1591.
Indiana	1913, p. 120; Burn's Anno. Stat. (1914), IV, p. 557.
Iowa	1902, c. 130; Code Supp. (1907), p. 729.
Kansas	1905, c. 310, p. 478.
Kentucky	1904, p. 213; Carrol's Stat. (1909), p. 1492.
Louisiana	1904, No. 64, p. 147.
Maryland	1898, c. 119; Code (1912), Art. 13.
Massachusetts	1898, c. 533; Rev. Laws (1902), I, p. 628.
Michigan	1905, No. 265; Howell's Stat. (1913), II, p. 1240.
Minnesota	1913, c. 272, p. 373.
Missouri	1905, p. 243; Rev. Stat. (1910), III, p. 9971.
Montana	1903, c. 121; Rev. Code (1908), Title 15.
Nebraska	1906, p. 397; Rev. Stat. (1913), p. 1516.
New Hampshire	1909, c. 123; Pub. Stat. Supp. (1913), p. 465.
New Jersey	1902, p. 583; Comp. Stat. (1911), III, p. 3734.
New Mexico	1907, c. 83, p. 161; App. March 21/07.
New York	1897, c. 612; Con. Laws (1907), III, p. 8636.
Nevada	1907, No. 112; Rev. Laws (1912), I, p. 769.
North Carolina	1899, c. 733 Pell's Revisal (1908), I, p. 2151.
North Dakota	1899, c. 118, Rev. Code (1905), p. 1006.
Ohio	1902, No. 169; Gen. Code (1910), II, p. 1718.
Oklahoma	1909, p. 387; Rev. Laws Anno. (1910), p. 1059.
Oregon	1899, p. 18; Lord's Oregon Laws (1910), p. 2128.
Pennsylvania	1901, No. 162, p. 194.
Philippine Islands	
Porto Rico	
Rhode Island	1899, c. 674; Gen. Laws (1909), I, p. 648.
South Carolina	1914, c. 396, p. 668.*
South Dakota	1913, c. 279, p. 445.
Tennessee	1899, c. 94; Code Supp. (1903), Secs. 3505-3516.
Utah	1899, pp. 122-148; Comp. Laws (1907), p. 629.
Vermont	1912, c. 99, p. 114.
Virginia	1897-8, p. 896; Va. Code (1904), II, p. 1455.
Washington	1899, p. 340; Codes & Stats. (1909), II, p. 120.
West Virginia	1907, c. 81; Code Anno. (1913), II, p. 1894.
Wisconsin	1899, c. 356; Gen. Stat. (1911), Ch. 78.
Wyoming	1905, c. 43, Com. Stat. (1910), p. 805.

* Vetoed by Governor and passed over his veto.

WAREHOUSE RECEIPTS ACT.

Nevada	1913, c. 289, p. 424; App. Mar. 26/13.
Alaska	1913, c. 65, p. 196; App. Apl. 28/13.
California	1909, p. 437; Deering's Gen. Laws (1909), p. 1488.
Colorado	1911, p. 653; Col. Stat. Anno. (1909), V, p. 4478.
Connecticut	1907, c. 220, p. 807.

District of Columbia...	1910,	Code (1911), p. 419, 36 Stat., Part I, p. 301.
Illinois	1907,	p. 477; Rev. Stat. (1911), Ch. 114, p. 1869.
Iowa	1907,	c. 160; Code Supp. (1907), p. 786.
Kansas	1909,	c. 262, p. 629.
Louisiana	1908,	No. 221, p. 326.
Maryland	1910,	c. 406; Code (1912), Art. 14a.
Massachusetts	1907,	c. 582, p. 930.
Michigan	1909,	No. 303; Howell's Stat. (1913), II, p. 1316.
Minnesota	1913,	c. 161, p. 198.
Missouri	1911,	p. 431.
Nebraska	1909,	p. 536; Rev. Stat. (1913), Ch. 76, p. 2048.
New Jersey	1907,	p. 341, Comp. tSat. (1911), IV, p. 5777.
New Mexico	1909,	c. 38, p. 86.
New York	1907,	c. 732, Con. Laws (1907), II, p. 1822.
Ohio	1908,	p. 400; Gen. Code (1910), II, Div. 6, p. 1789.
Pennsylvania	1909,	No. 13, p. 19.
Rhode Island	1908,	c. 1549, Gen. Laws (1909), I, p. 934.
South Dakota	1913,	c. 364, p. 589, App. March 13/13.
Tennessee	1909,	c. 336, p. 1226.
Utah	1907,	c. 139, p. 271.
Vermont	1912,	c. 186, p. 226.
Virginia	1908,	c. 290; Va. Code Supp. (1910), p. 801.
Washington	1913,	c. 99, p. 279; App. March 17/13.
Wisconsin	1909,	c. 291, p. 657.
Oregon	1913,	c. 305, p. 581, App. Feb. 27/13.

STOCK TRANSFER ACT.

Alaska	1913,	c. 67, p. 248, App. April 28/13.
Louisiana	1910,	c. 180, p. 265.
Maryland	1910,	c. 73 Code (1912), Art. 23, Sec. 38-60.
Massachusetts	1910,	c. 171, p. 117.
Ohio	1911,	p. 500.
Pennsylvania	1911,	p. 128.
Michigan	1913,	No. 106, p. 180.
New York	1913,	c. 600, Con. Laws, Supp. (Personal Property Law), p. 1989; A. 6, Sec. 162-185.
Wisconsin	1913,	c. 458, p. 509.

BILLS OF LADING ACT.

Alaska	1913,	c. 59, p. 139, App. April 28/13.
Connecticut	1911,	c. 182, p. 1444.
Illinois	1911,	p. 227, Rev. Stat. (1911), p. 506, Ch. 27.
Iowa	1911,	c. 155, p. 169.
Louisiana	1912,	No. 94, p. 101.
Maryland	1910,	c. 336; Code (1912), Art. 14.
Massachusetts	1910,	c. 214, p. 149.
Michigan	1911,	No. 165; Howell's Stat. (1913), III, p. 2775.
New York	1911,	c. 248; Con. Laws Supp. (Gen. Business Law), p. 1995.
Ohio	1911,	p. 138.
Pennsylvania	1911,	p. 838.

SALES ACT.

Alaska	1913,	c. 66, p. 215, App. April 30/13.
Arizona	1913,	c. 30; Rev. Stat. (1913), Title 51, p. 1674.
Connecticut	1907,	c. 212, p. 764.
Illinois	1915,	
Maryland	1910,	c. 346; Code (1912), Art. 83.
Massachusetts	1908,	c. 237, p. 172.
Michigan	1913,	No. 100, p. 148.
New Jersey	1907,	p. 811; Comp. Stat. (1911), IV, p. 4647.
New York	1911,	c. 571; Gen. Laws Supp. (07-13), p. 1966, Pers. Property Law.
Ohio	1908,	p. 413; Gen. Code (1910), II, Div. 5, p. 1766.
Rhode Island	1908,	c. 1548; Gen. Laws (1909), p. 910.
Wisconsin	1911,	c. 549, p. 675.

APPENDIX J.

CAUSES FOR DIVORCE IN AMERICA TODAY, SHOWING HOW STATE LAWS VARY.

	Cruelty	Desertion	Fraud or Force	Imprisonment	Impotency	Intemperance	Neglect	Male Non-age	Female Non-age	Residence Required
Alabama	Yes	2 yrs.	Yes	2 yrs.	Yes	Yes	....	17	14	1 to 3 yrs.
Arizona	Yes	1 yr.	Yes	Felony	Yes	Yes	1 yr.	18	16	1 yr.
Arkansas	Yes	1 yr.	Yes	Felony	Yes	1 yr.	....	17	14	1 yr.
California	Yes	1 yr.	Yes	Felony	....	1 yr.	1 yr.	18	16	1 yr.
Colorado	Yes	1 yr.	....	Felony	Yes	1 yr.	1 yr.	..	..	1 yr.
Connecticut	Yes	3 yrs.	Yes	Felony	....	Hab'l	....	..	..	8 yrs.
Delaware	Yes	3 yrs.	Fraud	Felony	Yes	Hab'l	3 yrs.	18	16	Actual
Dist. of Col.	Yes	2 yrs.	No	Felony	Yes	No	....	16	14	3 yrs.
Florida	Yes	1 yr.	....	....	Yes	Yes	1 yr.	..	..	2 yrs.
Georgia	Yes	3 yrs.	Yes	2 yrs.	Yes	Hab'l	....	17	14	1 yr.
Idaho	Yes	1 yr.	Yes	Felony	....	1 yr.	1 yr.	18	16	6 mos.
Illinois	Yes	2 yrs.	Yes	Felony	Yes	2 yrs.	....	18	16	1 yr.
Indiana	Yes	2 yrs.	Yes	Felony	Yes	Hab'l	2 yrs.	18	16	2 yrs.
Iowa	Yes	2 yrs.	Yes	Felony	Yes	Hab'l	....	16	14	1 yr.
Kansas	Yes	1 yr.	Yes	Felony	Yes	Hab'l	Yes	15	12	1 yr.
Kentucky	Yes	1 yr.	Yes	Felony	Yes	Yes	1 yr.	14	12	1 yr.
†Louisiana	Yes	7 yrs.	Yes*	Felony	....	Hab'l	....	14	12	....
Maine	Yes	3 yrs.	....	....	Yes	Hab'l	Yes	..	..	1 yr.
Maryland	....	3 yrs.	Yes	....	Yes	....	....	..	..	2 yrs.
Massachusetts	....	3 yrs.	Fraud	5 yrs.	Yes	Hab'l	Yes	..	..	3 to 5 yrs.
Michigan	....	2 yrs.	Yes	3 yrs.	Yes	Hab'l	Yes	18	16	1 to 2 yrs.
Minnesota	Yes	1 yr.	Yes	Yes	Yes	1 yr.	....	18	16	1 yr.
Mississippi	Yes	2 yrs.	....	Felony	Yes	Hab'l	....	..	..	1 to 2 yrs.
Missouri	Yes	1 yr.	Yes	Felony	Yes	1 yr.	....	15	12	1 yr.
Montana	Yes	1 yr.	Yes	Felony	Yes	1 yr.	....	18	16	1 yr.
Nebraska	Yes	2 yrs.	Yes	3 yrs.	Yes	Hab'l	Yes	18	16	6 mos.
Nevada	Yes	1 yr.	Yes	Felony	Yes	Hab'l	1 yr.	18	16	6 mos.
New Hampshire	Yes	3 yrs.	Yes	1 yr.	Yes	3 yrs.	3 yrs.	14	13	Actual
New Jersey	Yes	2 yrs.	Yes	....	Yes	....	....	..	..	2 to 3 yrs.
New Mexico	Yes	1 yr.	Yes	Felony	Yes	Hab'l	Yes	18	15	1 yr.
New York	Yes	....	Force	....	Yes	....	....	18	18	1 yr.
North Carolina	Yes	2 yrs.	Yes	Felony	Yes	....	....	16	14	2 yrs.
North Dakota	Yes	1 yr.	Yes	Felony	....	1 yr.	1 yr.	18	15	1 yr.
Ohio	Yes	3 yrs.	Yes	Felony	Yes	3 yrs.	Yes	18	16	1 yr.
Oklahoma	Yes	1 yr.	Yes	Felony	Yes	Hab'l	Yes	18	15	1 yr.
Oregon	Yes	1 yr.	Yes	Felony	Yes	1 yr.	....	18	15	1 yr.
Pennsylvania	Yes	2 yrs.	Yes	2 yrs.	Yes	....	....	..	..	1 yr.
Rhode Island	Yes	5 yrs.	....	Felony	Yes	Hab'l	Yes	..	..	2 yrs.
†S. Carolina	....	....	Yes	....	....	1 yr.	....	..	..	....
S. Dakota	Yes	1 yr.	Yes	Felony	Yes	1 yr.	1 yr.	18	15	1 yr.
Tennessee	Yes	2 yrs.	Yes	Felony	Yes	Hab'l	Yes	..	..	2 yrs.
Texas	Yes	3 yrs.	Fraud	Felony	....	Hab'l	....	16	14	6 mos.
Utah	Yes	1 yr.	Yes	Felony	Yes	Hab'l	Yes	16	14	1 yr.
Vermont	Yes	3 yrs.	Yes	3 yrs.	Yes	....	Yes	..	..	1 yr.
Virginia	....	8 yrs.	Yes	Yes	Yes	....	....	14	12	1 yr.
Washington	Yes	1 yr.	Yes	Yes	Yes	Hab'l	Yes	..	..	1 yr.
West Virginia	Yes	8 yrs.	Yes	Yes	Yes	....	....	18	16	1 yr.
Wisconsin	Yes	1 yr.	Yes	3 yrs.	Yes	1 yr.	Yes	18	15	1 yr.
Wyoming	Yes	1 yr.	Yes	Yes	Yes	Hab'l	1 yr.	18	16	1 yr.

‡ Subsequent to marriage.

† South Carolina has no divorce law, but marriages may be annulled.

† Consanguinity and bigamy are not causes for divorce, but make marriage null and void as is a marriage between persons of white and colored blood.

* Fraud or force is not cause for divorce, but for annulment.

CAUSES OF DIVORCES GRANTED 1867-1906.

Cause.	Granted Husband.	Granted Wife.	Cause.	Granted Husband.	Granted Wife.
Neglect to provide.....	6	84,664	Cruelty	33,178	173,047
Combination of preceding causes	14,330	74,519	Desertion	156,283	211,219
All other causes.....	18,026	40,078	Drunkenness	3,436	33,080
			Infidelity	90,800	62,869

Consanguinity, infidelity and bigamy are causes for divorce in all states having divorce laws or of annulment. Permanent insanity is cause for divorce in Idaho, Utah and Washington under certain conditions.

ening the "police power" impliedly given to the federal government. The lottery case has decisively proven that Congress has a power, a "federal police power," to prohibit transportation of articles affecting the public morals or health, and Congress has recently passed upon several cases approving this power.⁴

That there is a tendency to increase the scope of the interstate commerce clause of the Constitution there can be no doubt. The tendency is a natural one, and a necessary one, if we are to keep in touch with the ever increasing complexity of modern life. As Chief Justice McKenna said in the white slave cases.

"Congress is given power to regulate Commerce with foreign nations and among the several states. The power is direct; there is no word of limitation in it, and its broad and universal scope has been so often declared as to make repetition unnecessary."

In those things which concern the nation at large rather than merely the states, the people are inclined to look more and more to the federal government than to the individual state for support and succor. Therefore we have learned to apply the spirit and intent of the people to the Constitution, and if a prohibition exists in the Constitution that can be applied to certain facts and circumstances it will be held to extend to acts "even if not within the literal terms of the Constitution, if they are within the spirit." The harmful results which it was the purpose of the Constitution to prohibit will be prohibited⁵. In *Gibbons v. Ogden*⁶ it is said that the power "to regulate commerce is the power to prescribe the rule by which it is to be governed."

The powers of Congress must necessarily be enumerated; and one of its enumerated powers is "to regulate commerce with foreign nations, among the several states and with the Indian tribes." "The government of the United States can claim no powers which are not granted by the Constitution"⁷. While these have always been limited, yet in their exercise, Congress uses a discretion

⁴ *Hoke v. Smith*, *supra*. *Hipolite Egg Case* (220 U. S. 45).

⁵ *U. S. v. The American Tobacco Co.* (221 U. S. 106).

⁶ (9 Wh. 1).

⁷ *Gibbons v. Ogden*, *supra*.

which necessarily must be considered a part of the powers themselves. Judge Harlan said in the lottery case.

"While our government must be acknowledged by all to be one of enumerated powers⁸, the Constitution does not attempt to set forth all the means by which such powers may be carried into execution. It leaves Congress a large discretion as to the means that may be employed, in executing a given power."

In addition to this discretion, Congress is paramount within its enumerated powers.

"The states, however, must recognize this limitation, that the federal power is paramount within the scope of its enumerated powers."⁹

Again referring to the lottery case we find this expression.

"A legislative power must be given 'that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.'" ¹⁰

The power to regulate commerce among the several states is supreme and plenary. It must be considered in its full scope as having control over all the "external concerns of the nations and to those internal concerns which affect the states generally; but not to those which are completely within a particular state which do not affect the other states, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the government."¹¹

This reservation of power to the states was intended to be exercised only when federal control did not operate and on subjects "which are completely within a particular state" and "which do not affect the other states."

⁸ *McCullough v. Md.* (4 Wh. 316).

⁹ See *Hannibal R. v. Husen* (95 U. S. 465); *Passenger Cases* (7 Howard 283); *Brown v. Md.* (12 Wh. 419).

¹⁰ *The Lottery Case* (188 U. S. 355).

¹¹ *Gibbons v. Ogden* (9 Wheat. 1).

This language used by the greatest constitutional lawyer who ever sat upon the Supreme Court bench is pregnant with meaning and serves as a key to open the door to the full exercise of the power and scope of the commerce clause of the Constitution. And that clause is limited only by the Constitution itself as was expressed by Chief Justice Marshall in *Gibbons v. Ogden*:

"This power like all others vested in Congress is complete in itself and may be exercised to its utmost extent and acknowledges no limitations other than are prescribed in the Constitution."

In the lottery case the effect upon the public morals was the point particularly dwelt upon. The effect does not take place until after the transportation, but it nevertheless was held injurious to the public morals and sufficiently connected with the "commerce" or "intercourse" between states as to be prohibited even though the evil effect was not caused during and at the time of the transportation. Hence the court disregarded any direct effect the transmittal might have on commerce considered as transportation or intercourse and looked to the effect on the morals of the people; and in equal degree Congress can disregard the effect upon the manufacture and transportation of articles produced by child labor and look towards the effect upon the morals of the people. The indirect effect is not any further removed from "intercourse" or "commerce" in the one case than in the other.

"The framers of the Constitution never intended that the legislative power of the nation should find itself incapable of disposing of a subject matter specifically admitted to its charge."¹²

That Congress has power to legislate in regard to articles to be transported by interstate commerce before as well as after transportation starts is sufficiently borne out by the case of *Reid v. State of Colorado*¹³, where power is given to inspect cattle before their shipment.

One of the main difficulties found in the federal child labor law is the opposition of the states on the ground that the stand-

¹² In *re Rahrar*, (140 U. S. 545, 562).

¹³ (187 U. S. 137).

ards fixed by the proposed law would ruin business. It would not serve to ruin legitimate business because the business itself would not be affected, but only the methods used in employing persons to do that business. A uniform law in this regard would be a help to legitimate business and serve as a wet blanket to the unfair means now followed by many states of employing children at low wages.

The argument is advanced that if such a measure is considered to be within the inhibition of the commerce clause there would be no limit to the power of the federal government to control production processes heretofore controlled under the police power of the states; that if a federal child labor law is a proper regulation of commerce then the hours of labor both of men and women, industrial insurance, industrial diseases, the minimum wage, factory legislation, machinery safeguards and in fact the whole industrial field will be let into federal legislation through the loophole.

A few of these matters do need federal regulation, as for instance the hours of labor of women, and wages of women, and children, and the constitutionality of such laws no doubt could be upheld.

It is further argued that such a law might be extended so as to forbid the employment of union or non-union laborers, foreigners, or in fact any whose employment might be brought under the head of interstate commerce, and that such power would become one, not of law, but of expediency. But as far as extending the clause to the question of union labor is concerned, the argument can be readily answered. In view of the fact that child labor is reprehensible in character and to such a degree as to become a national menace we find a clear distinction between such employment and the employment of foreigners or union and non-union labor for the reason that unlike child labor, the employment of a non-union laborer or foreigner cannot be inherently bad nor affect the morals or physical health of the people. The question of expediency can not arise in choosing between the two.

Another argument put forward is that should such a regulation be found within the purview of the commerce clause it

would become a regulation of manufacturing and mining as well as of commerce. But if we analyse the question thoroughly it is apparent that this is not true, for although there is an incidental regulation of manufacture, since manufacturing includes "employing labor" in addition to actually producing goods, yet there is no regulation of the act of manufacturing nor of mining. It may be that the distinction is fine but not so much so as to be imperceptible.

The word manufacture primarily means the "act of making" or "working upon" articles for use from raw materials by giving such materials new forms, qualities, and properties by manual or mechanical labor. To say that extending the commerce clause to govern child labor would be including manufacturing as well as commerce does not necessarily follow, for child labor is not a part of the act of manufacturing but a method or means used towards the act. To prohibit the use of child labor on articles shipped in interstate commerce would not be to prohibit the act of manufacturing, but it would prohibit the means or methods or conditions used.

Perhaps it can not be stated that Congress has a direct power over such conditions in the process or means of manufacture of articles for interstate commerce, but if the latest adjudications such as the white slave and pure food cases throw any light at all upon the subject of the commerce clause, surely such power can encompass laboring conditions, considering the part they play in interstate commerce with regard to the morals and safety of the people.

Congress can not be said to have a direct control over the effects of harmful food or drugs upon the public. A distinction can easily be found between those cases previously held directly to affect commerce and the recently decided pure food case, for in the latter case the effect was not a direct one upon commerce but on the people who depend upon commerce to bring such products to them, and by the use of "commerce" I mean "transportation" or "intercourse" as defined in *Gibbons v. Ogden*.

If such extension is made by our highest court in favor of that part of the public who consume articles carried in interstate

commerce, there is no reason why it should not favor that part who produce articles for use in interstate commerce. They are each part and parcel of the same public, and if Congress can legislate in one direction in favor of that public it can also legislate in the opposite direction, for the effect either way is upon the public.

If the child labor law can be sustained it seems it will have to be upheld under the police power impliedly given to the federal government. We might start from *Gibbons v. Ogden*, the beginning of the adjudications arising from the commerce clause, and cite all the decisions up to date, but after that is done we will not have proceeded far because conditions that have arisen and have been dealt with in the past are not likely to arise again, inasmuch as the courts have to deal with new conditions. The commerce clause as applied to old conditions and to old cases would serve only in a general way to throw light on existing conditions.

The Supreme Court set a precedent with a five to four decision in the lottery case. From this decision we can see that the question was a live issue and was sharply contested. The effect of that case was to prohibit harmful objects being sent from state to state by express companies. The extent of the decree was to include in the prohibition of the commerce clause and the federal police power, articles which did harm to the general public, after transmittal, not in the transmittal.

While it is admitted that a distinction can clearly be seen between the harmful effect of a harmful object and the harmful effect of a non-harmful object, yet I contend that the argument can not be confined to the harmfulness of the article itself. The argument must include the widespread evil inflicted upon the people in general through the free use of unfair trade methods. Clearly Congress had legislated on articles of commerce harmful in their effect upon the morals of the people. Considering that when Congress legislates it can legislate as to the whole subject matter and that its control over its enumerated powers is complete, paramount and plenary, it can not overlook the evil effect the employment of children in the manufacture of articles for interstate commerce has upon the morals of the people.

There is no reason why the argument used by Mr. Justice

White in the employers' liability case cannot be used in this connection. There the argument was advanced by the appellee that the relation between master and servant could not be regulated by Congress because this power was not specifically granted to it. It was a purely local measure, he argued, and therefore Congress could not interfere in such relations. In that case Justice White said:

"But we may not test the power of Congress to regulate commerce solely by abstractly considering the particular subject to which a regulation relates, irrespective of whether the regulation in question is one of interstate commerce. On the contrary the test of power is not merely the matter regulated but whether the regulation is directly one of interstate commerce or is embraced within the grant conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce. We think the unsoundness of the contention that because the act regulates the relation of master and servant it is unconstitutional, because under no circumstances and to no extent can regulation of such subject be within the grant of authority to regulate commerce, is demonstrable. We say this because we fail to perceive any just reason for holding that Congress is without power to regulate the relation of master and servant to the extent that regulations adopted by Congress on that subject are solely confined to interstate commerce, and therefore are within the grant to regulate that commerce, or within the authority given to use all means appropriate to the exercise of the powers conferred. To illustrate: Take the case of an interstate railway train, that is a train moving in interstate commerce and the regulation of which, therefore, is in the nature of things a regulation of such commerce. It can not be said that because a regulation adopted by Congress as to such train when so engaged in interstate commerce deals with the relation of the master to the servants operating such train or the relations of the servants engaged in such operation between themselves, that it is not a regulation of interstate commerce. This must be, since to admit the authority to regulate such train and yet to say that all regulations which deal with the relation of master and servant engaged in its operation are invalid for want of power would be but to concede the power and then to deny it, or at all events to recognize the power and yet to render it incomplete."

It is true that the relations of employer and employee or the relations of employer and child employee, standing as such, can not be regulated as citizens and subjects of the same state, but considered in their direct relations with interstate commerce, the employee on interstate carriers and children producing goods for interstate use, they are within the commerce clause of the Constitution. (Employers liability cases, supra).

That in the interpretation and construction of the commerce clause of the Constitution the court in its decision of cases is not merely governed by things and persons actually within and engaged in interstate commerce, but must of necessity include subjects wholly without interstate commerce, is shown by the following paragraph from *Howard v. Illinois Central*. (207 U. S. 498)

"The act then being addressed to all common carriers engaged in interstate commerce and imposing a liability upon them in favor of any of their employees without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity include subjects wholly outside of the power of Congress to regulate commerce."

This view, although dissented from by Justices Harlan and McKenna who did not concur in its interpretation as applied to all subjects immediately concerned with interstate commerce, shows with striking clearness the present attitude and progress of the Supreme Bench on questions involving the commerce clause and breaks ground for the clear and undeniable declaration made in the *Hipolite egg* case that,

"The power given to Congress by the constitution over interstate commerce is direct, without limitation and far reaching."

The theory and the law of the employers' liability case was upheld in a later case, the *Illinois Central Railroad Company v. Behrens*, decided April 27 of this year by the Supreme Court.

While the employer's liability case was decided more from the fact that it was a direct regulation of commerce, we find in the pure food and the white slave cases better ground for argument in favor of a federal child labor law, for undeniable language

was used by the court in upholding the power of Congress in regard to police regulations.

And in touching upon this police power, Mr. Justice McKenna in the white slave cases, in an opinion to which there was no dissent, states the following:

"The principle established by the cases is a simple one when rid of confusing and distracting considerations, that Congress has power over transportation 'among the several states; that the power is complete in itself and that Congress as an incident to it may adopt not only means necessary but convenient to its exercise, and the means may have the quality of police regulation. (*Gloucester Ferry Co. v. Penn.* 114 U. S. 196, 215; *Cooley's Constitutional Limitations*, 7th ed. 856). We have no hesitation, therefore, in pronouncing the act of June 25, 1910, a legal exercise of the power of Congress."

The view here stated was sustained in the case of *Wilson v. W. S.* 232 U. S. 563) in an opinion by Mr. Justice Pitney.

This rule makes the proposition a simple one in its application to interstate commerce, following the theory that Congress can have a police power or at least "may adopt means" that have "the quality of police regulations." The statute being a remedial measure should be liberally construed.¹⁴

A prohibitory regulation by Congress of child labor used on products of interstate commerce would be one having the "quality" of a police regulation. No set of words would come closer in defining the status of a child labor law than those above quoted. It is a national menace that should be dealt with by a police regulation directed to the health, safety and morals of the people whose labor is employed upon products of interstate commerce, and should be directed and controlled by the federal government.

" (131 U. S. 1.)

APPENDIX "M."

TABLE SHOWING WHICH UNIFORM ACTS APPROVED
BY NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS HAVE BEEN
ADOPTED IN ILLINOIS, AND
WHICH HAVE NOT YET
BEEN ADOPTED.

Illinois has adopted five of the Uniform Acts, as follows:

- Uniform Negotiable Instruments Act,
- Uniform Sales Act,
- Uniform Warehouse Receipts Act,
- Uniform Bills of Lading Act,
- Uniform Marriage Evasion Act.

Illinois has not adopted fifteen of the Uniform Acts, as follows:

- Uniform Divorce Act,
- Uniform Stock Transfer Act,
- Uniform Family Desertion Act,
- Uniform Probate of Foreign Wills Act,
- Uniform Marriage License Act,
- Uniform Child Labor Law,
- Uniform Acknowledgments Act,
- Uniform Partnership Act,
- Uniform Cold Storage Act,
- Uniform Workmen's Compensation Act,
- Uniform Land Registration Act,
- Uniform Foreign Probate Act,
- Uniform Flag Law,
- Uniform Limited Partnership Act,
- Uniform Extradition of Persons of Unsound Mind Act.

APPENDIX "N."

BIBLIOGRAPHY.

Select List of References on Uniform Legislation.

Compiled by Nathan William MacChesney, with the assistance of H. H. B. Meyer, Chief Bibliographer, Library of Congress; Finley F. Bell, Secretary, Legislative Reference Bureau of Illinois; and Professor George P. Costigan, Jr., of Northwestern University Law School.

Alabama State Bar Association. Report of the Committee on Correspondence (on uniform legislation in the United States). (In its proceedings, 1910. Montgomery, 1910, p. 229-234).

Albany Law Journal (Editorial). (Uniformity of laws throughout the United States). Albany Law Journal, Dec. 15, 1894, v. 50: 380-383.

——— (Uniformity of legislation). Albany Law Journal, June 15, 1895, v. 51: 369-374.

Allen, Philip L. States with ideas of their own. North American Review, Oct., 1909, v. 190: 515-523.

American Bar Association Reports, 1878 to date. Publishes the reports of the Commissioners on uniform state laws. See index under: Uniform state laws, Commissioners on, etc.

——— Report of the Committee on uniform state laws. (In its Report, 1911. Baltimore, 1911. p. 430-445.

Baldwin, S. E. Uniformity of Legislation. Harvard Law Review, v. 22: 403.

Banking Law Journal (Editorial). Uniform bills of exchange. Banking Law Journal, May, 1911, v. 28: 382-384.

Beard, Charles A. An Economic interpretation of the Constitution of the United States. MacMillan Co., 1913.

——— Economic Origin of Jeffersonian Democracy. MacMillan Co., 1915.

Bennett, Edmund H. Uniformity in marriage and divorce laws. American law register and review, Apr., 1896, v. 44: 221-231.

Brannan, J. D., *Negotiable Instruments Law*, 1910.

Brewster, Lyman D. The promotion of uniform legislation. *Yale Law Journal*, Feb. 1897, v. 6: 132-140.

——— Uniform state laws. (In *American Bar Association. Report*, 1898, v. 21: 315-333.)

Bryce, James. *The American Commonwealth*.

Burdick, F. M. *International Bills of Exchange*. *Illinois Law Review*, Feb., 1912, v. 6: 421-431.

Burke, Edmund. *Speech on American Taxation*, H. of C., April 19, 1774.

Canada Law Journal (Editorial). Uniformity of law in the Dominion. *Canada Law Journal*, July 16, 1896, v. 32: 464-466.

Carpenter, J. M. The relation of Judicial procedure to uniformity of law. *Pittsburg Legal Journal*, Mar. 11, 1911, v. 59: 17-20.

Carpenter, J. McF. Uniform state legislation. *Pittsburg Legal Journal*, Feb. 5, 1910, v. 57: 85-88.

Child labor laws. See *National Child Labor Committee*.

Colby, James F. Necessity for uniform state laws. *Forum* July, 1892, v. 13: 541-553.

Commission on uniform state laws, The. *Green Bag*, June, 1911, v. 23: 295-298.

Commissioners on uniform state laws, National Conference of. *Proceedings*, 1890-1895, 1906-1907, 1909-1911 and continuation to date.

Connecticut Commissioners on uniform state laws. *Report on uniform divorce laws*. (New Haven) The Tuttle, Morehouse & Taylor Company, 1907. 26 p.

Converse, Duncan. *Marriage and divorce in the United States*. Philadelphia, J. B. Lippincott Company, 1889. 226 p.

Crawford, J. D. *The Negotiable Instruments Law*, 1908.

Cutcheon, S. M. Uniform legislation by the several states. *Michigan Political Science Association Proceedings*, Dec., 1894, v. 1, no. 3: 1-8.

——— Uniform state laws. *Michigan Law Review*, Mar., 1893, v. 2: 86-92.

Dembitz, Lewis N. Uniformity of state laws. *North American Review*, Jan., 1899, v. 168: 24-91.

DeTocqueville. *Democracy in America*.

Divorce Congress. See National Congress on uniform divorce laws.

Draft of an act to make uniform the law relating to the sale of goods, recommended by the commissioners on uniform state laws. *Virginia Law Register*, Aug., 1908, v. 14: 241-270.

Dunne, Edward F. Uniformity of Safety and Sanitation laws for places of employment. (In *Proceedings of Governor's Conference*, 1914.)

Eaton, Amasa M. Address on uniform state laws. (In *American Bar Association Reports*, 1904, v. 27: 655-675.)

Edmunds, F. Is a uniform divorce law possible? Public opinion, July 6, 1899, v. 27: 14.

Falconbridge. Uniformity of state legislation. *Canadian Law Times*, Feb., 1909, v. 29: 130-145.

Federal control of divorce. *Law Notes*, Dec., 1911, v. 15: 165-167.

Ferguson, Elbert C. Diversity of commercial laws and the remedies. *National Corporation Reporter*, Aug. 22, 1895, v. 10: 722.

Fraternal insurance and the American Bar Association. *Central Law Journal*, Aug. 26, 1910, v. 71: 129-130.

Gardner, W. A. The way out of the jungle. *Chicago Legal News*, Aug. 6, 1910, v. 42: 419-420.

Garver, T. F. Uniformity of state laws. (In *Bar Association of the State of Kansas Report*. Tenth annual meeting, 1892. p. 10-17.)

Georgia Bar Association. Report of the Committee on interstate law. (In its Report, 1909. p. 70-75.)

Gibbons, John. Proposed amendment [to the Constitution of the United States]: a plan to promote uniform legislation. *Case and Comment*, June, 1910, v. 17: 14-16.

Gibbs, Clinton B. The great forward movement for uniform divorce laws. (In *New York State Bar Association Proceedings*. 1906, v. 29: p. 105-138.)

(Godkin, E. L.) National divorce law. (Editorial.) *Nation*, May 18, 1899, v. 68: 369.

Governors' Conference. Annual proceedings.

Gt. Brit. Foreign office. Correspondence relating to the conference on bills of exchange at the Hague, June, 1910. Printed by Harrison and Sons. London, 1910, 149 p.

Green Bag (Editorial). Uniformity of commercial law. *Green Bag*, Oct. 1910, v. 22: 602-606.

Uniform legislation. *Green Bag*, Oct. 1893, v. 5: 476-477.

Uniformity of state laws. *Green Bag*, Dec. 1911, v. 23: 653-654.

Hart, A. B., and McLaughlin, A. C. Uniform State legislation. (In *Cyclopedia of American Government*, v. 3: 589-592.)

Hart, Walger G. The uniformity of British law. *Canadian Law Times*, Feb. 1912, v. 32: 167-169.

Hart, William O. Uniform legislation in Louisiana, and what should be done in the future. (In *Louisiana Commissioners on uniform state laws Report*, 1910. p. 43-54.

Hart, William O. Uniformity of legislation. Paper read before the Mississippi State Bar Association, May 9, 1907.

Hart, W. O. Uniformity of legislation. *Albany law journal*, Dec. 1907, v. 69: 369-375.

Uniformity of legislation. (In *Bar association of Arkansas Proceedings*, 1910. p. 120-134.

Uniformity of legislation. *National Corporation Reporter*, Aug. 6, 1908, v. 36: 882.

Hening, C. D. Uniform negotiable instruments law—Is it producing uniformity and certainty of law? *University of Pennsylvania Law Review*. Apr., May, 1911, v. 59: 470-498; 432-453.

Hervey, J. M. Uniform state laws. (In *New Mexico Bar Association Minutes*, 1911. Albuquerque, (1911). p. 33-50.)

Howard, George E. The problem of uniform divorce law in the United States. *American Lawyer*, Jan. 1906, v. 14: 15-17.

Huffout, E. W. The national congress on uniform divorce laws. *Independent*, Nov. 29, 1906, v. 61: 1265-1266.

Illinois Commission for Uniformity of legislation in the U. S.—Reports to Governor—1908 to date.

Illinois State Bar Association. Report of the Committee on uniform state laws. (In its Proceedings, 1909 and to date.)

International conference on bills of exchange. Hague, 1910 Conference. (La Haye, Imprimerie nationale, 1910?) 429 p.

————— Conference pour l'unification du droit relatif a la lettre de change etc. 1912. Documents. Ministère des affaires. étrangères. (La Haye, Imprimerie nationale, 1912) 2 v.

James, F. B. Uniform commercial legislation. Green Bag, Dec. 1911, v. 23: 622-623.

————— Uniform stock transfer act. Chicago Legal News, Oct. 8, 1910, v. 43: 72.

Johnson, Ben W. Uniform laws by interstate compact. (In Ohio State Bar Association Proceedings, 1908. Columbus, 1908, v. 29: p. 174-187.)

Reprinted in Ohio Law Bulletin, July 13, 1908, v. 53: 267-272; Ohio Law Reporter, July 20, 1908, v. 6: 208-221.

Jones, Leonard A. Uniformity of laws. Banking Law Journal, Sept. 1894, v. 11: 137-139.

————— Uniformity of laws through national and interstate codification. (In Virginia State Bar Association Report, 1894. v. 7: 157-180.)

Reprinted in American Law Review, July-Aug. 1894, v. 28: 547-567.

Jordan, William G. The House of governors; a new idea in American politics aiming to promote uniform legislation on vital questions. New York, Jordan Publishing Company, 1907. 15 p.

————— The House of governors. The Craftsman, v. 19: 1-8.

————— The House of governors, an open letter on the plan and its possibilities. (New York, 1910) 4 p.

The lack of uniformity in divorce laws. Washington Law Reporter, Aug. 29, 1895, v. 23: 552-553.

Lapp, J. A. Uniform state legislation. American Political Science Review, Nov. 1910, v. 4: 576-581.

Law Journal (Editorial). Unification of the law of bills. Law Journal, Apr. 8, 1911, v. 46: 215.

Law Notes (Editorial). Incurable diversities in state law. Law Notes, Feb. 1911, v. 14: 205.

Leach, E. De Forest. Uniform divorce legislation. Green Bag, July, 1910, v. 22: 387-391.

Lewis, W. D. The desirability of expressing the law of partnership in statutory form. University of Pennsylvania Law Review. Nov. 1911, v. 60: 93-102.

Louisiana. Commissioners on uniform state laws. Report 1907-1910, 1914.

MacChesney, Nathan William. Uniform laws: a needed protection to and stimulus of interstate investment. National Association of Real Estate Exchanges. (Minneapolis, 1911) 38 p.

——— Uniform state laws. American Legal News, Apr. 1911, v. 22: 214-226.

——— A legislative programme for law reform. Illinois Law Review, Mar. 1909, v. 3: 512-524.

——— Uniform state laws. Illinois Law Review, Apr. 1911, v. 5: 521-544.

——— Uniform State Laws—President's Address, including Appendices and Bibliography—40th Annual Meeting, Illinois State Bar Association—1916. For address without appendices—XV Michigan Law Review—Jan. 1917. See also XLVIII Chicago Legal News, 333, 361, 371—June, 1916.

Mack, Julian W.—Suggestions as to Proposal to Enact Negotiable Instruments Law in Illinois, I Ill. Law Rev. 592 (1907).

McFarland, L. B., Uniform state laws. (In Bar Association of Tennessee Proceedings, 1893. p. 216-219.)

McKeehan, J. P.—Uniform Commercial Acts—XX Dickinson Law Review 33, 63 (1915).

McLaughlin, A. C. and Hart, A. B. Uniform state legislation. (In Cyclopaedia of American Government, v. 3: 589-592.)

Maine. Commissioners on uniform state laws. Report, 1907. 1908 and to date.

Massachusetts. Commissioners for promotion of uniformity of legislation in the United States. Annual reports, 1909-1910-1911 and to date.

Michigan. Commissioners for promotion of uniformity of legislation in the United States Report, 1915.

Miller, C. R. Uniformity of laws fixing the conditions to be met by foreign corporations before doing business in a state. (In Governors' Conference Proceedings, 1914.)

Miller, George E. Some features on the uniform bankruptcy law. (In Texas Bar Association Proceedings, 1898. Austin, 1898. p. 71-90.)

National Association of Manufacturers Proceedings, 18th Annual Convention, 1913. pp. 14-17.

National Child Labor Committee. Uniform child labor laws, 1912.

National congress on uniform divorce laws. Philadelphia, 1906. Proceedings of the adjourned meeting held at Philadelphia, Pa., November 13, 1906. Harrisburg, Pa., Harrisburg Publishing Co., state printer, 1907. 160 p.

——— *Washington, D. C.*, 1906. Address to the President and the Congress of the United States and the governors and legislatures of the several states, together with the resolutions adopted (etc.) 33 p.

——— *Philadelphia*, 1906. Uniform divorce laws adopted by the Divorce Congress at Philadelphia, 1906. (Philadelphia, 1906) 9 p.

——— *Washington, D. C.*, 1906. Proceedings Harrisburg, Pa., Harrisburg Publishing Co., 1906. 228 p.

National Corporation Reporter. (Editorial). Uniformity of laws. National Corporation Reporter, Jan. 19, 1911, v. 41: 721-722.

Noyes, George H. Uniformity of the law. (In State Bar Association of Wisconsin Report, 1905, v. 6, p. 317-350.)

Parker, A. B. Uniform state laws. Yale Law Journal, Apr. 1910, v. 19: 401-408. Also in Chicago Legal News, May 7-10, v. 42: 314-315.)

Pound, Roscoe. Uniformity of commercial law on the American continent. Michigan Law Review, Dec. 1909, v. 8: 91-107. Reprinted in American Legal News, Jan. 1910, v. 21: 22-30.

Pennsylvania Commissioners on uniform state laws Report, 1907, 1909, 1911, 1913, 1915.

Prime, R. E. Do we want a uniform divorce law? Bibliotheca Sacra, Jan. 1912, v. 69: 136-141.

Michigan Law Review (Editorial). The work of the Commission on uniform state laws. Michigan Law Review, Mar. 1910, v. 8: 399-400.

The problem of uniform legislation in the United States. American Law Review, Sept.-Oct. 1892, v. 26: 755-758.

The progress of the movement for uniform state laws. Drafting of proposed laws. Law Notes, Sept. 1910, v. 14: 101-102.

Recommendations for uniform legislation (regarding trading corporations). National Corporation Reporter, Aug. 20, 1896, v. 12: 781.

Reinsch, Paul S. American legislatures and legislative methods. New York, The Century Co., 1907, 337 p.

Rhode Island Commissioners on uniform state laws Annual reports, 1897 to date.

Richmond, Frank H. Uniformity in divorce. Eclectic Magazine, Apr. 1907, v. 148: 371-377.

Schnabel, C. J. The nationalization of the laws of marriage and divorce. (In Oregon Bar Association Proceedings, 1895, p. 60-66.)

Schofield, William. Uniformity of law in the several states as an American ideal. Harvard Law Review, Apr.-June, 1908, v. 21: 416-430, 510-526, 583-594.

Scott, John L. Uniformity of state laws. American Magazine of Civics, Mar. 1896, v. 8: 303-310.

Shelton, T. W. The relation of judicial procedure to uniformity of law. Central Law Journal, Feb. 17, 1911, v. 72: 114-119.

Smith, Walter George. Address on uniform state laws. (In American Bar Association Report, 1911, v. 36: p. 873-901.)

——— The Commission on uniform state laws—What it is, what it has done and what it needs. Central Law Journal, July 5, 1912, v. 75: 6-10.

——— Commission on uniform state laws—what the twenty-first annual conference accomplished. Central Law Journal, Nov. 17, 1911, v. 73: 356-358.

——— Outlook for uniformity of legislation. The Green Bag, Dec. 1911, v. 23: 619-622.

_____ Problem of uniform legislation in the United States, The. (In American Bar Association Report, 1892, v. 15: 287-311.)

_____ Uniform Social Laws, 1913.

_____ Uniform divorce laws. (In Pennsylvania Bar Association Proceedings, 1907, p. 499-516.)

_____ Uniform legislation. Chicago Legal News, v. 43: 46.

_____ Uniform legislation in the United States. Annals of the American Academy of Political and Social Science, Mar. 1914.

_____ Uniform marriage and divorce laws. (In Ohio State Bar Association Proceedings, 1909. Columbus, 1909, v. 30: p. 107-127.)

_____ Uniform Commercial Laws—North Carolina Bar Association—1916.

Spurr, H. C. Uniform divorce legislation. Case and Comment, June, 1910, v. 17: 17-22.

Stanton, Elizabeth C. Are homogeneous divorce laws in all states desirable? North American Review, Mar. 1900, v. 170: 405-409.

Sterne, Simon. The prevention of defective and slipshod legislation. Philadelphia, Press of G. S. Harris & Sons, 1884, 31 p.

Stimson, Frederic J. Popular law-making. New York, C. Scribner's Sons, 1911. 390 p.

_____ Uniform state legislation. American Academy of Political and Social Science Annals, May, 1895, v. 5: 829-864.

Sundheimer, Malcolm. Uniform bills of lading and their validation. American Legal News, Sept. 1911, v. 22: 49-55.

Taylor, H. The unification of American law. Green Bag, May, 1910, v. 22: 267-274.

Tompkins, Henry C. The necessity for uniformity in the laws governing commercial paper. (In American Bar Association Report, 1890, v. 13: p. 247-263.)

Travis, S. E. Uniform legislation by the states. (In Mississippi State Bar Association Report, 1911. p. 58-81.)

Uniform divorce laws. *Arena*, Jan. 1907, v. 37: 85-96.

Uniformity of laws in Canada. *Canada Law Journal*, Feb. 1, 1910, v. 46: 41-43.

Uniform state legislation. *Annals of American Academy of Political and Social Science*, 1914, v. 52: 61-66.

Uniform state legislation. *Green Bag*, v. 23: 295.

United States Delegate to International conference on bills of exchange Report, 1911, 511 p. (61st Cong., 3d sess., Senate Doc. 768.)

Utah Commissioners on Uniform Legislation Report, 1907.

Virginia Law Register. (Editorial). Uniform divorce laws. *Virginia Law Register*, Oct. 1911, v. 17: 480-482.

————— World-wide uniformity in all laws. *Virginia Law Register*, Oct. 1911, v. 17: 483-484.

Walsh, J. A. Uniform laws and court procedure. *Lawyer and Banker*, June, 1910, v. 3: 165-173.

Washington State Bar Association. Report of Committee on uniform state laws. (In its Proceedings, 1909, p. 87-88.)

What the commissioners on uniform state laws are doing for the people of the United States. By A. H. R. *Central Law Journal*, July 5, 1912, v. 75: 1-3.

Wheeler, S. P. The necessity for uniform laws governing commercial paper in the United States. *Banking Law Journal*, Nov. 1896, v. 13: 694-698.

Whitlock, George. Four uniform commercial acts. *American Law Review*, May-June, 1911, v. 45: 327-355.

Willcox, Walter F. The divorce problem. (In *Columbia University Faculty of Political Science. Studies in History, Economics, and Public Law*, 2d ed. New York, 1897, v. 1, no. 1, p. iii-vii, 9-16.)

Williston, Samuel. The uniform partnership act, with some remarks on other uniform commercial laws. Address before Law Association of Philadelphia, December 18, 1914. Printed, Law Assn. of Phila., 1915.

Wise, J. C. Shall Congress be given power to establish uniform laws upon the subject of divorce among the states of the Union. *Central Law Journal*, Feb. 4, 1910, v. 70: 98-99.

————— Shall Congress establish uniform divorce laws? Brief, Dec. 1911, v. 11: 299-313.

NATHAN WILLIAM MACCHESNEY

of the Chicago Bar

38TH PRESIDENT OF THE ILLINOIS STATE BAR ASSOCIATION.*

Nathan William MacChesney is a Chicago lawyer in active practice, with a clientele embracing some of the foremost business interests of that city. His most essential characteristic, in my opinion, is his appreciation of social solidarity and social interdependence; this and his acute sense of social responsibility. A lawyer's experience develops and sharpens the faculty of differentiation; the lawyer observes differences more than resemblances. His sense of impersonal justice tends to make him think of human beings as bundles of rights coming from nowhere and nowhither bound. For a fit balancing of these rights it is convenient for him to close his eyes and seal his ears against evidences that present society as an infinitely complex, quivering, sentient body with intense needs, seeking a glorious goal beyond thrilling hazards. The philosophy of the lawyer, and especially the busy corporation practitioner, tends to become one of negation and skepticism.

Although an overworked "corporation lawyer," assenting to the standard stock of legal fundamentals, and employing the tools of his craft in professional manner, Colonel MacChesney nevertheless lives an equally serious and busy life in that other field most briefly expressed by the words "social responsibility."

Nor is his philosophy one of negation. He has the realistic convictions of a primitive; life is real, life is earnest, with a definite goal beyond very real perils. Driven by these powerful affirmations, and controlled by this sense of social responsibility, apparently oblivious of fatigue, this unusual lawyer-soldier-social scientist type of individual employs the skill won in forensic struggles in so many fields of social endeavor that he is likely before long to become a veritable myth, understood in part by all men, in whole by none.

*By Herbert Harley, Secretary American Judicature Society, Professor of Legislation, Northwestern University School of Law.—*Reprinted from the June, 1916, Case and Comment.*

It is necessary to be explicit and emphatic with regard to his strictly professional life to avoid the easy error of presenting him as a purely public character. It was fourteen years ago that he left the University of Michigan with his L.L. B. The law firm of which he is now senior member is a continuation of the firm of Carter & Becker, dating from 1858. It enjoys a high standing in real estate, banking, railroad, and corporation legal matters, and has participated in numerous litigated causes of local and general importance of a public nature. Mr. MacChesney is general counsel for the National Association of Real Estate Boards, as well as a director of several banks and manufacturing concerns, and owner individually of important urban real estate. For a number of years he was almost daily in the courts, but in recent years this work has perforce been delegated to other—one can hardly say younger—associates.

So it must be remembered that his other and almost bewildering activities are those indulged, not at the expense of professional time or energy, but at the expense of hours devoted by most successful lawyers to pleasure and recuperation, to golf, motoring, bridge, travel, or some more individual hobby. It is the fullness of use of this by-product time which makes the figure best known to divergent classes of men. It is a truism that character is most revealed in a man's avocations. With Colonel MacChesney these may be grouped as semi-professional, political, academic, editorial, social, charitable, religious, and military. Short of a three-volume biography some must be excluded.

In the semi-professional field lie his activities in the work of the organized bar. At the present time he is president of the Illinois State Bar Association, director of the American Judicature Society, and president of the Illinois Commission to the National Conference of Commissioners on Uniform State Laws.

In politics he has been active from student days, but not as an office holder. He has represented the National Republican Committee in campaign speaking in several states, and has sat in the inner circles of local Republican leaders, assisting particularly in the selection of judges.

His academic interests alone suffice to establish a standing.

He is a trustee of Northwestern University, and has lectured in the College of Law of the University of Illinois and other institutions.

His writings in the field of property and corporation management, with respect to labor and child labor legislation, procedural reform, criminology, and military law, are numerous. He was one of the founders of the Illinois Law Review and the Journal of the American Institute of Criminal Law and Criminology, and as a member of the editorial boards of these journals he exerts a powerful and continuing influence. He is known for his authorship of "Abraham Lincoln—The Tribute of a Century," "The Prototype of American Citizenship," "The Significance of the War of 1812," "Race Development by Legislation," and so forth. He was selected by the bar to deliver the commemorative address on Abraham Lincoln before the Supreme Court of Illinois on the occasion of the celebration of the one hundredth anniversary of his birth, an account of which appears in the Supreme Court reports.

Colonel MacChesney is a director of the United Charities of Chicago and other charitable associations, and has participated in downright intensive social work, bringing to this labor a knowledge of social science gleaned from wide reading and study in theoretical fields. He is an active lay supporter of the Presbyterian Church.

His interest in measures for national defense were doubtless inherited from a soldier sire. He was a National Guardsman in his teens, and has been identified with the National Guard of Arizona and California, as well as of Illinois. During the Spanish-American War he did garrison duty on the Pacific Coast, and is now Judge Advocate General of Illinois, with the title of Colonel in the Illinois National Guard. His recent articles on the constitutionality of pending legislation intended to make the National Guard effective for Federal purposes, in the University of Pennsylvania Law Review, illustrate his command of this technical subject.

He is a member of various learned societies, of the Masonic Order, and of the University, Union League, City, Chicago Liter-

ary, Twentieth Century, and other clubs of Chicago, New York and Washington.

Mr. MacChesney was born in Chicago June 2, 1878, a son of Lieutenant Colonel Alfred Brunson MacChesney (A. M., M. D., U. S. A.) and Henrietta (Milsom) MacChesney, (M. D.) of London, England. His first American ancestors came from Scotland in the colonial period, settling in Virginia, and his grandfather, for whom he was named, was a lieutenant in the War of 1812, afterwards becoming an Illinois pioneer and one of the founders of Knox College. His mother was a daughter of a member of the faculty of Oxford University, England, a regular graduate in medicine, and connected with hospitals in Chicago and New York, but never engaged in active practice.

Preparing at a Chicago high school, Nathan William MacChesney attended and graduated from the University of the Pacific in 1898 (A. B.) and began professional study at Northwestern University School of Law, and in 1902 completed his course with a degree at Michigan, was admitted in that state and Illinois, and began practice in Chicago, continuing graduate work at Northwestern during that year.

On December 1, 1904, Mr. MacChesney married Miss Lena Frost, daughter of Mr. W. E. Frost, of Riverside, Illinois. Mrs. MacChesney is a graduate (A. B.) of the University of Michigan, 1901, and was later a student at the University of Berlin and the University of Chicago. They have one son, Alfred Brunson MacChesney, III., born in 1909.

I have endeavored to set forth the salient facts of a singularly interesting career not yet attained unto the meridian of life. My own opinion is that time will identify him especially with such work as attended the organization of the American Institute of Criminal Law and Criminology, of which he was second president, with his constructive court reform work as director of the American Judicature Society, with his work in the Conference on Uniform State Laws, and as an active member of the progressive ultra-professional group who seek to dignify the profession of law by making it more human, more useful through closer organization of the bar. Essentially a worker in the ranks, sinking his

identity in the common product of unselfish labor, such individual leadership as has fallen to his lot has been utilized for practical and definite gains for the causes which inspire his unrivaled powers, and, in a broad view, constitute a synthetic programme of civic and social advancement; for he is essentially, with his intense moral convictions, persuasive and forceful personality, acute critical discernment, varied experience, and impelling sense of responsibility, in the largest and fullest sense a legislator, a law-maker.

(Note—This biography is inserted by direction of the Board of Governors and a biography of each succeeding president will hereafter be published in the same manner.—Secretary.)



Walter George Smith
Philadelphia, Penn.

ADDRESS
TO THE ILLINOIS STATE BAR ASSOCIATION
BY
WALTER GEORGE SMITH.

JUNE 1, 1916.

LEGISLATIVE TENDENCIES.

There is no more encouraging manifestation of a sane and healthful spirit in the profession of the law in our country than such an annual assemblage as I now have the honor to address. Under the inspiration of the success attained by the American Bar Association, there have been formed in all or nearly all of the states such organizations as this, which while especially devoted to the advancement of the law and the good of the community, are not forgetful that their states are component parts of the nation, and that they owe to that nation a paramount allegiance. It must be, of course, that sectional feeling will have its blighting influence. Mistaken notions of self-interest will always sway communities as they sway individuals; but thanks to the fact that the American people have inherited a common system of law and common political ideals from the great race who colonized our Atlantic seaboard, a patriotic appeal sincerely and unselfishly made will find an echo from ocean to ocean and from the lakes to the gulf.

It has been well said that

“It is the glory of English law, that its roots are sunk deep into the soil of national history; that it is the slow product of the age—long growth of national life.”

Jenks Hist. Eng. Law, p. 3.

Modern scholarship, both English and American, has thrown a flood of light upon the obscure origins of the principles upon which our law is built. They are, like so many phenomena in nature, the results of an evolution. Influenced by climate, by race, and by war,

from the savage darkness of pre-Christian times, when the only alleviation of the cruelty of natural selfishness, was the uncertain manifestation of natural virtues, there have emerged certain elementary principles, which find their sanction in reason and experience and are confirmed and sanctified by Christian revelation. These principles find their expression in civil liberty, giving the absolute rights of the citizen—rights of which Blackstone says:

“At some times we have seen them depressed by overbearing and tyrannical princes; at others so luxuriant as even to tend to anarchy, a worse state than tyranny itself, as any government is better than none at all. But the vigor of our free constitution has always delivered the nation from these embarrassments; and, as soon as the convulsions consequent on the struggle have been over, the balance of our rights and liberties has settled to its proper level; and their fundamental articles have been from time to time asserted in parliament as often as they are thought to be in danger.”

1 Bla. Com., p. 127.

American lawyers have not yet lost the spirit of optimism which the commentator so eminently exhibits; but it is not necessary to point out that there have been many periods in English history when the power of an all but absolute monarch, or of an organized aristocracy, have administered the law with but imperfect regard for its fundamental theory. Be this as it may, alone among systems of law the common law of England has always recognized, in theory at least, that political power was delegated to the sovereign and its limitations were fixed. Life, liberty, and the pursuit of happiness within the necessary limits of community life, have always been held to be inherent rights under that system, while the later Roman or Byzantine theory that the will of the prince is the ultimate standard of law has affected the civil law in all of its political manifestations.

Needless to say to any student of American constitutions, the doctrine of the inherent rights of the individual citizen is the corner stone of our political fabric.

“Civil liberty,” says Chief Justice Sharswood, “the great end of all human society and government, is that state in which each individual has the power to pursue his own happiness according to his own views of his interests and the dic-

tates of his conscience, unrestrained, except by equal, just and impartial laws."

Note to 1 Bla. Com., p. 127.

To the ear of the lawyer, trained in the common law and saturated with inherited opinions, such a statement is elementary; but I venture to submit in the light of certain contemporary tendencies, it is losing its force. Under the pressure of revolutionary conditions in social and economic life, brought about largely by the amazing application of hitherto hidden or imperfectly known forces of nature to the volition of mankind, a gradual yielding of the conviction of the existence of individual inherent rights is showing itself in many ways. The danger of a constant enhancement of the power of the state over the individual is by no means negligible. The all but utter failure of the theory of democratic government in its application to municipal administration, owing to the indifference of the average citizen to the performance of his civic duties, has transferred the real directing influence to irresponsible organizations, which exploit the honors and emoluments of public office to their own purposes, with only enough regard to the common weal to prevent the danger of popular revolution. Yet it cannot be said that the voice of the people is not heard and heeded, whenever it asserts itself. Politics having become a vocation whereby thousands of men make a living; but those in control of party organizations are sensitive to every popular emotion, really following popular sentiment while seeming to lead it.

The real leaders of thought are men in private station with no personal interest to swerve their judgment. Through the medium of the press and the lecture platform there is an open field for the protagonists of every phase of thought. The inclination of men towards an emotional sympathy for every scheme that looks to the relief of special forms of suffering or injustice gives ready opportunity for half educated, self-complacent writers to gain converts to specious remedies for ills that are inherent in our common nature. It is not long then before the American notion that the remedy for ill is to be found in legislation asserts itself, and the statute book makes record of the fact. The doctrine of individual liberty has been gradually restricted and the tendency is towards still

greater restrictions,' while the power of the state has been enlarged to an unprecedented extent.

The passage of the Factory Acts of England (1848-1850) which brought to an end the exploitation of labor, including that of women and children, had far-reaching results. As Dicey says (*Law & Pub. Op.*, p. 238):

"It recognized the principle that the regulation of labor is the concern of the state and laid the basis for a whole system of governmental inspection and control."

Here may be found the first success among English speaking peoples of the principles of collectivism, which have become so pervasive in modern legislation.

The old theory of free government, wherein the functions of government were limited to a narrow field and the less interference with the individual the better was a maxim of political science, has given way to collectivism. The stricture of Sharswood that government "usurps functions which do not belong to it, and functions which it is not competent to use well, when it undertakes to interfere by directing the pursuits of industry or encouraging its employment in any particular manner" (*Note 1 Bla. Com.*, 128), would meet but little support with either party in congress to-day. While his quotation from Brougham (*Political Philosophy*, Vol. 1, p. 64), "as all government is made for the benefit of the community, the people have a right to be governed, but to be governed as well as possible; that is with as little expense to their natural freedom and their resources as is consistent with the nature of human affairs," would sound strange to one fresh from a study of legislative activities in any of our states.

Obviously, subject only to the regulations and prohibitions of the National Constitution, a state is sovereign within its borders. The three co-ordinate departments of legislative, executive and judicial, provided by all of the state constitutions are dominated by the popular will as restricted by that constitution. It is my purpose to call your attention to the remarkable change of attitude on the part of the people of practically all of the states towards the manner in which their will shall be expressed, and the individual liberty left to the citizen. Since 1789 until very recent times the theory of a representative government was accepted as axiomatic.

Montesquieu's plan of the three-fold division of powers, all limited by a constitution drawn in broad general language seemed the ideal method of overcoming the danger connected with absolutism on the one hand and emotional popular rule on the other. The tendency now is strongly towards an unlimited democracy more in accordance with the theory of Rousseau, and certainly contrary to the genius of our basic institutions.

It seems strange that the ills which have come upon the body politic, not from any defect in the original plans of the founders of our states, but from the indifference of the body of our citizenship towards their public duties, should have resulted in remedies which to be successful will require a far more assiduous attention to the same duties than past conditions could obtain. Because legislatures have been derelict, they are largely shorn of their powers. They are to be no longer legally omnipotent, but detailed commands, prohibitions and restrictions are putting upon them fetters which are calculated to hamper them in their legislative functions, and require frequent appeals to the electorate for specific approval of proposed laws, or for constitutional amendment.

Instances of such departures from the hitherto received canons of constitution making may be found in the Louisiana constitution which contains a judiciary article of twelve thousand words, and in the Virginia article of six thousand words on corporations. In the newer states this trend towards the embodiment in the constitutions of subjects that formerly were quite within the control of the legislature, is more strongly marked. In a careful review of recent constitution making, Prof James Quayle Dealey, of Brown University, shows how rapidly the right to make fundamental law is passing from the legislature to the convention and to the electorate. Tracing the movement, he quotes the Oregon amendment of 1902:

"The legislative authority of the State shall be vested in a legislative assembly * * * but the people reserve to themselves power to propose laws and amendments to the Constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the

initiative. * * * The second power is the referendum." (Growth of American State Constitutions, 215.)

The style of all bills now is: "Be it enacted by the people of the State of Oregon," thus indicating that the repository of law making authority is no longer the legislature, but the electorate. The professor proceeds with an interesting study of the initiative, the referendum and the recall, from which I shall venture to borrow so far as it illustrates my theme.

The referendum is practically a veto power on all legislation on demand of a given per cent of the voters, which may be evaded if the constitution provides that bills which ordinarily would not go into effect until sixty or ninety days after adjournment may be for reasons expressly stated, passed under a declaration of emergency.

Next follows the initiative, which may be direct where it is required of the secretary of state that any measure initiated by the requisite number of voters shall be placed at once on the ballot, or indirect, where it must be first passed upon by the legislature and then referred to the electorate.

At the close of 1914, nineteen states had adopted the initiative and the referendum in one form or another. For a detailed statement of the special forms under which the principle of the referendum and the initiative have been adopted, I crave reference to the pages of Prof. Dealey's interesting volume. Some of the shifts to overcome the difficulties in the application of the principle will appear from his statement that in South Dakota over forty per cent of the statutes are now marked emergency, and as the amendment in that state required that the referenda should be printed in full on the ballot, a publicity pamphlet was adopted in 1910, when the ballot was six feet long.

It requires no argument to show that the changes towards a direct popular government are the outcome of dissatisfaction with the many abuses that grew out of the dereliction of the representatives elected under the old system. The shortening of legislative sessions, the change to biennial sessions, the deprivation of the power to elect United States senators, all show the conviction that we have outgrown the institutions so long deemed almost sacred. One may be permitted to doubt whether the new theory will be found perfect. Experience has shown the danger of imbedding

in the fundamental law a codification of legislation that will certainly require amendment under the pressure of changing conditions. While of course it is true that recourse may always be had to the people whose will is the ultimate sanction, the inconvenience and expense of so cumbrous a method will leave many an injustice unrectified.

In cooler moments every one will agree that it is the very essence of Anglo-Saxon government that the rights of the minority, down to the humblest citizen, must be safeguarded. This is the basic reason for the existence of written constitutions. The gradual change towards unrestricted popular government carries with it grave danger to individual rights. While the heart of the people is sound and its general average of education high, it may be depended upon, even in moments of excitement, to avoid injustice. But so long as human nature exists, the individual and, of course, the masses of individuals, run the risk of emotionalism. Neither our mother country nor our own has been free from it in the past, and judicious men may well dread its manifestation in the future.

For the first time in any large community and to an unlimited extent, the right of suffrage has been granted in many states to women; and the pressure in favor of such suffrage has become so great in the older and more conservative communities that it is not unlikely they too will grant it. It remains to be seen what will be the consequence of this large infusion of a new and untried element in public affairs.

The old system of party conventions for the nomination of candidates for office has gone the way of other ancient methods. Now the state recognizing party organizations as means of government, takes charge of nominations. The results are sometimes startling, especially in the choice of nominees for judicial office. Sometimes it happens that a candidate theretofore almost unknown to the masses of the voters, displaces a judge of learning and experience because of the accident that his name begins with a letter higher on the alphabet and, therefore, is first on the ballot. Unless an aspirant for public office is rich, or can command the use of money, the new system is almost entirely a preventative to the attainment of his ambition. The plans of well intentioned reformers have, in the great centers of population at least, but riveted the power of the professional politician.

The constitution of California may be cited as a type of the new order in such charters of government. It contains regulations of public utilities through the medium of a railroad commission, a revision of the taxing system as applied to quasi-public corporations, banks and insurance companies, the minimum wage, and other subjects ordinarily left to legislative discretion.

It is true indeed that

"Changes so fundamental as these emphasize the importance of the study of state constitutions, seeing that a state so inclined may within a very few years profoundly revolutionize not only its constitutional system and political organization, but even to a quite large extent its economic and social life."

But whether the citizens of Oregon and California really have "their destiny in their own hands," as Professor Dealey seems to think (p. 108).

"in the marked contrast to conditions in such states as Indiana, Delaware and Rhode Island, where the citizens are held gripped by the 'dead hands' of antiquated fundamental law" or have really put into the hands of demagogues weapons to wield against their own best interest, time alone can tell.

At any rate, one may be interested, if not altogether sharing in the optimism expressed in the thought that

"one might almost wish that the New England and smaller middle states would attempt to secede from the Union, so that congress might have the pleasure of reconstructing them on democratic lines, as interpreted by the trend of the last twenty-five years. These states themselves would benefit from the change when once they discovered that the 'icy plunge' had had a tonic effect in freeing political systems from antiquated accretions and corrupt bossism." (Dealey, p. 111.)

Altogether even those who believe all unconsciously in the modern development of the philosophy of Rousseau and his fellow dreamers, are themselves hardly content with the radical recall provisions of the Arizona constitution, or the forty thousand words of detail in that of Oklahoma. There may be much truth in the contention of Thomas Jefferson that the constitution of every state should be changed every nineteen or twenty years. Certainly abuses are likely to arise under unbending political conditions. The association of business and politics has not infrequently led to misuse of public funds and of the taxing power to the advantage of private interests, and the revolution in social and economic con-

ditions, brought about by steam and electricity, require modification and changes. No one will doubt the wisdom of checking the overweening power of corporations by constitutional limitations on the grant of franchises; but is it wise by a fixed system of minute constitutional rules to attempt to meet conditions that are constantly changing?

The inevitable consequence is the constant necessity for constitutional amendment. But the advocates of popular rule are not daunted, for in some states the right to initiate amendments, directly or indirectly on petition, is reserved, with a prohibition of any veto either by the governor or the legislature (p. 149). In order to secure intelligent action, a voters' guide or publicity pamphlet with the text of the proposed amendment and the arguments for or against it, is mailed to every voter.

Not content with the power thus given the electorate, the new thought has added in a number of the states the right of recall, where for any reason the electorate is dissatisfied with the incumbent of an elective office. Some of the new states have excepted judges. It is claimed that the moral effect of this sword of Damocles hanging over the head of officials will make them more anxious to meet the popular wish: and this may be granted. But whether such a state of mind is likely to insure the fearless performance of duties that sometimes are unpopular, is best answered by experience. The shocking unfairness of such a system applied to judges has caused a widespread change of heart; and for the time being we may hope that the judicial office will be somewhat differentiated from others.

The campaign of education on this subject carried on by the American Bar Association has had valuable results. We may well hope that amidst the few institutions that still maintain a traditional respect among the masses of the people, the judiciary will remain. But even here, the utmost efforts of our profession will be needed to preserve the courts from such dangers as the recall of judges and the even more dangerous suggestion of recall of decisions.

With this hasty and imperfect glance at the trend towards minimizing the power of legislatures by constitutional limitation and by extending to the electorate the direct association in legislation through the referendum and the initiative, let us turn our at-

tention to some of the specific subjects on which popular sentiment has set recent marks of change of view. It is but natural with the largest part of our citizenship belonging to manual workers, that the legislative mind should concern itself with labor problems. The humane and proper sympathy for the laborer has of recent years been directed by the remarkably well organized and powerful unions formed among all ranks of workingmen, whether skilled or unskilled. With wisdom, as a general rule, but sometimes by indefensible methods, the demands of labor for a reasonable working day, for proper safeguards in factories, for special regulation of the treatment of women and children, have obtained legislative sanction, and in some of the newer states are protected by constitutional provisions. The acceptance of the theory that industrial accidents should be treated as incidents of production and the compensation of the victim be a part of the cost, is now so general that few states are without workmen's compensation laws. During the brief time they have been in operation they bid fair to attain in great measure the end for which they have been enacted. There could be no better example of a change in legal theory from the old individualism than is presented by the Workmen's Compensation Acts.

But the limits of paternalism are hardly yet in sight, as witness the movements for a minimum wage and old age and mothers' pensions.

Public service corporations have lost a great part of the power they formerly possessed and not infrequently abused, and must establish to the satisfaction of a commission any change in tariffs under enormous penalties. A relation constantly growing more intimate has been established between the state and business management, especially with regard to corporations affected by public service, while officials charged with the duty of assessing taxes examine in minutest detail the sources of income of the individual while living, and levy heavy toll on his assets both within and without the state of his residence, after his death.

In no respect has the former individual freedom of action been more notably restricted than by the prohibition movement which gains strength year by year. Regardless of loss of revenue to the state, of danger of encouraging the drug habit, and all the arguments that have been advanced by its opponents, whether based on constitutional, legal or moral grounds, the efforts of its advocates

continue. With the enthusiasm that always distinguishes sincere and earnest reformers, the enemies of the saloon will not be content until the manufacture, sale or private use of alcoholic drinks in any form is everywhere prohibited so far as laws can attain this result. Whether such attempts to make men moral and self-restrained by law can be successful, is a question upon which there is, of course, diversity of opinion. It presents perhaps the most striking evidence of the new view of personal liberty.

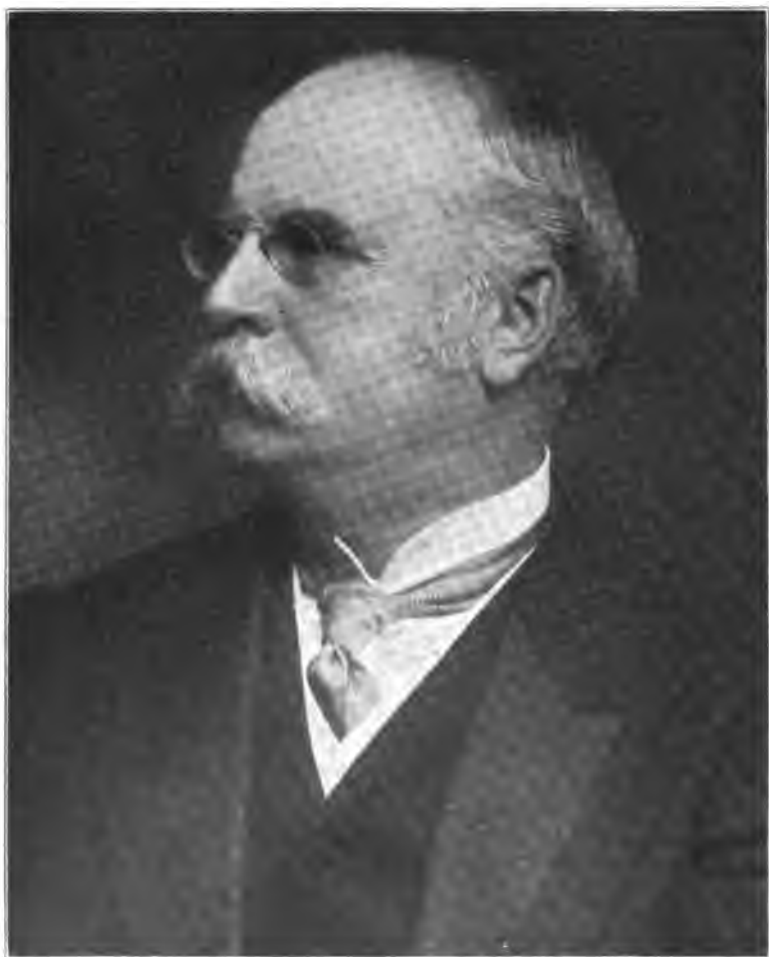
Observation of the trend of legislation in almost all of our states will show that the people in their reaction against evil conditions, which conservative thinkers believe arise not so much from defects in the old constitutions as from the indifference of the people themselves, shows a strange loss of their sense of proportion. The theory of checks and balances is yielding to that of popular government pure and simple.

"It is not conscious making of law that we are to resist. It is rather the setting up of will, merely as will, as the measure of law in the place of reason,"

said Roscoe Pound (Ohio Bar Ass'n Rep. 1915). There are strong evidences that such arbitrary motives are not wanting among many of those who hold the public confidence. Everywhere in such times as these, when amidst the loss of faith in ancient ideals, the gradual indifference to any but selfish considerations that is apt to follow great material prosperity, the steady influence of conservative men should assert itself.

The lawyer may sometimes err in the direction of too great reverence for tradition. Sometimes his vision becomes narrow, and he resists with an Eldonian tenacity all efforts to change an old rule, though the reason for it has ceased to exist. But it is certain that the founders of the American Republic, and of each of its component sovereignties, were men bred to the law, students of comparative legislation and history, keenly observant of the springs of human action, and from their brains there came forth instruments of government under which this nation through the stress of wars and the vicissitudes of peace has civilized a continent.

In the changed conditions, it is for the same type of men to steady the reforming hand, and challenge each thrust at constitutional representative government, lest by the unrestricted power of the electorate "one good custom should corrupt the world."



Charles J. Doherty
Minister of Justice of Canada, Montreal, Canada.

ADDRESS OF

CHARLES J. DOHERTY, K. C., M. P.
MINISTER OF JUSTICE, MONTREAL, CANADA

JUNE 2, 1916

RESPECTIVE RIGHTS OF NEUTRALS AND BELLIGERENTS UPON THE HIGH SEAS.

The very wide terms of the title of this paper call for some preliminary words of explanation—I had almost said of exculpation. The circumstances too under which I venture to attack this subject may perhaps be considered as making that call more imperative.

And first let me reassure you as to the scope of the remarks I intend to make. Be not afraid. It is not my purpose to tell you all—not even—a very different thing—all I know—about the respective rights of neutrals and belligerents on the high seas. I shall not ask you to convoy me on so long and perilous a voyage as that would involve. I would fear that even should I escape all the dangers of the seas you would be tempted to cast me like a modern Jonah overboard to the tender mercies of that modern sea-monster, the submarine.

The venture on which I ask you to embark with me is much more modest, and for the short distance we shall go together I trust we may find the waters of the seas untroubled, and return to port all of us as good friends as I flatter myself we are at starting.

I have been asked and have agreed to make a few observations upon the rights of neutrals more particularly as they are affected by the policy as regards contraband and blockade of the British Empire and its allies in the present war. "The very head and front of my offending hath this extent no further." For it too I may plead a divided responsibility. Your irresistible president asked me—he tempted me. Of course I fell.

In my confidence that a little frank and friendly talk upon this subject will cause no ruffle in the harmony of this gathering,

I am not forgetting that you are neutrals, while I am a belligerent—we are all very belligerent over in Canada and unashamed of our belligerency—and that quite naturally we cannot but look upon this policy and its effects from different points of view. But I am mindful too that you are Americans and I am a Canadian and that it is a source of grateful pride to both our peoples that we can look back at now over a hundred years of living side by side in undisturbed peace—not an armed peace under the shadow of the terror inspired by bristling fortifications and imposing armament on the part of either one or both, but a peace smiling upon a frontier extending from one ocean to the other unguarded, undefended, where no cannon threatens and no sentry challenges; across which our citizens pass freely to and fro on lawful errands of business, of pleasure, and above all of friendship's kindly intercourse; on either side of which American and Canadian feel equally—as, my heart warmed by your cordial welcome, I feel today—at home.

A friendship so enduring and valued, I am glad to believe, by you, as I know it is by us, surely makes possible and possibly advantageous our talking over amicably together conditions which affect us differently which may even justify or be believed to justify complaint on the part of the one or the other.

Just one further word by way of explanation. I speak today in no official capacity—indeed I have no official capacity in which I could—but just as one lawyer to a gathering of brother lawyers who are kind enough to be interested in hearing him. Nor am I here as an advocate to plead for or in defense of the policy to which I have referred.

I desire only to review with you some conditions which preceded the adoption of that policy, and which co-exist with its operation, and which it may be of use to us all, neutrals and belligerents alike, to have present to our minds when passing judgment upon it.

I have said that my observations would be confined to the subjects of contraband and blockade. It is by measures intended to intercept the former, and by the establishment of what is in effect the latter that the trade of neutrals, and of your great country in particular, have been chiefly affected.

It is unfortunately true that in these days when trade and finance are cosmopolitan any war—particularly a war of any magnitude—must result in a grievous dislocation of commerce, including that of nations which take no part in the war.

That this dislocation should most materially affect the trade of the greatest commercially, as well as in every other respect, of the neutral nations goes of course without saying. It is of course very much aggravated where a belligerent nation avails itself of all of the methods which under the law of nations are open to it, or which it believes to be open to it, to hamper the trade of its enemy—the employment of these means necessarily interfering in a greater or lesser degree with the commerce of neutrals. That such interference by a belligerent with neutral trade should be kept within the limits of what is absolutely necessary to the exercise of its legitimate right to injure its enemy and that however imperious the demands of that necessity may be, they must give way to the still more imperious demands of our common humanity and not wantonly jeopardize the lives of innocent non-combatants it is hardly needful to say. Whatever view may be entertained as to the strict legality of any particular measures adopted by those in control of the hostile operations of the empire of which my country is proud to be a part, I think it will be as readily assumed by you as by myself that where interference with the sea-borne trade of neutrals has occurred, it has so occurred not because of capricious or wanton action, but as an inevitable and regretted incident to measures that in a struggle of such stupendous magnitude, involving such momentous issues, were dictated by the imperative necessity of protecting national safety.

This much premised, I proceed to the main considerations of this address.

It may be observed, at the outset that the means by which a country at war has in recent years at all events, up to the time of the present war, interfered with the commerce of its enemy, are three in number:

1. The capture of contraband of war on neutral ships;
2. The capture of enemy property at sea;

3. Blockade by which all access to the coast of the enemy or to one or more of his ports is cut off.

The second of these powers has been curtailed since the Napoleonic wars, by the Declaration of Paris of 1856, under which enemy goods on neutral ships with the exception of contraband of war, were exempted from capture. Enemy goods which had been loaded on British or allied ships before the present war were seized in large quantity immediately after its outbreak, but for obvious reasons, such shipments ceased for all practical purposes after the 4th of August, 1914, and this particular method of injuring the enemy may therefore for the moment be disregarded.

No blockade of Germany was declared until March, 1915, and therefore up to that date, Great Britain had to rely exclusively on the right to capture contraband. The subjects of contraband and blockade are in view of the policy adopted by the allied nations, so intimately associated that I shall discuss them together.

By an Order-in-Council of August 20, 1914, Great Britain announced the adoption of the rules of the Declaration of London, subject to certain modifications and additions which were judged indispensable to the efficient conduct of naval operations. This declaration, embodying in 71 articles the largest body of rules for naval warfare that has as yet enjoyed even a qualified official character, was intended to provide a definition of the generally recognized principles or rules of International Law, in the sense of article 7, paragraph 2, of the "Convention relative to the Establishment of an International Prize Court" signed on the 18th of October, 1907, at the second Peace Conference held at the Hague in that year.

It will be remembered that that article provided in the absence of a treaty in force between the belligerent captor and a power which is itself or the subject or citizen of which is a party to the proceedings, covering any question of law to be decided, that the court should "apply the rules of International Law" and "if no generally recognized rule exists" give judgment in accordance with the general principles of justice and equity. The declaration was to be a code of law on the subjects with which it dealt, to be applied by the International Court. It was formulated at a conference of

delegates representing the ten most important maritime states of the world, held in London on the invitation of Great Britain issued on the 26th of November, 1908. The conference met on the 4th of December, 1908, and the declaration was signed on the 26th of February, 1909, on behalf of *all* the powers represented, namely, Germany, U. S. A., Austria-Hungary, Spain, France, Great Britain, Italy, Japan, Netherlands, Russia. It has not yet acquired obligatory force between them by the exchange of ratifications. The British government having submitted the question of its ratifying the convention and the declaration to the judgment of Parliament, the House of Commons voted in the affirmative but the House of Lords refused its approbation, mainly on the ground of certain points which, as the powers could not agree on them, the declaration left still for decision by the *proposed* International Prize Court, in case it should be established, in accordance with its sense of justice and equity.

This, then, is the code of rules governing naval warfare, which Great Britain adopted in August, 1914, with certain modifications and reservations presently referred to.

Let me first indicate briefly the provisions of this declaration with reference to contraband. I have borrowed largely the summary of Mr. Cohen, K. C., in his masterly lecture on the declaration:

"Article 22 sets forth a list, which was unanimously settled at the Hague Conference in 1907, of commodities which may, without notice, be treated as contraband of war under the name of absolute contraband, whilst Article 24 enumerates fourteen commodities susceptible of use in war as well as for purposes of peace which may, without notice, be treated as contraband of war under the name of conditional contraband. This second list includes, among other things, food-stuffs, forage and grain, gold and silver, and paper money.

"Articles 23, 25, 27 provide that by a declaration duly notified articles exclusively used for war may be added to the list of absolute contraband, and also that articles susceptible of use in war as well as for purposes of peace may be added to the list of conditional contraband, but that articles which are not susceptible of use in war can never be declared contraband of war. Moreover, Article 28 absolutely prohibits certain enumerated classes of goods from being declared contraband of

war. These include, it should be observed, such important goods or materials as raw cotton, wool, silk, jute, flax, hemp and other raw materials of the textile industries, rubber, hops and raw hides, a list which has been calculated to comprise no less than 90 per cent. of the ordinary sea-borne commerce.

"Having thus clearly explained what may be treated as absolute and what as conditional contraband, the declaration defines the legal incidents of these two classes. Absolute contraband is by Article 30 liable to capture if shown to be destined to territory occupied by or belonging to the enemy, or to the armed forces of the enemy, and it is immaterial whether the carriage of goods is direct, or entails transshipment or a subsequent transport by land. In other words, the so-called doctrine of continuous voyage or transit applies to absolute contraband.

"As regards conditional contraband, Article 33 provides that conditional contraband is liable to capture, if it is shown to be destined for the use of the armed forces or of a government department of the enemy state, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress.

"It is further provided by Article 35 that conditional contraband is not liable to capture except when found on board a vessel bound for *territory* belonging to or occupied by the enemy or *for the armed forces of the enemy*, and when it is not to be discharged in an intervening neutral port."

It is clear from this article read with the commentary thereon known as Mr. Renault's Report, that the doctrine of continuous voyage is absolutely excluded by the declaration from application to conditional contraband.

"The doctrine, the report says, of continuous voyage is excluded from conditional contraband, which is only liable to capture when it is to be discharged in an enemy port. As soon as the goods are documented for discharge in a neutral port, they can no longer be contraband and no examination will be made, whether they are to be forwarded to the enemy by sea or land from that neutral port. It is here that the case of absolute contraband is essentially different."

"It is also to be particularly noticed that by Articles 32 and 35, it is provided that the ship's papers are conclusive proof, both as to the voyage on which the vessel is engaged, and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation. This

rule is, however, modified in the report by the following comment: 'It must not be too literally interpreted. For that would make all frauds easy. A search of the vessel may reveal facts which irrefutably prove that her destination or the place where her goods are to be discharged is incorrectly entered in her ship's papers: the commander of the cruiser is then free to judge of the circumstances, and capture the vessel or not according to his judgment. To sum up, the ship's papers are proof unless facts show their evidence to be false.'"

The principal rules laid down as to blockade are contained in Articles 1, 2, 5, 8, 9, 10, 11, 14, 17, 18, 19 and 20. With the exception of Article 19, none of them are expressly modified by the Orders-in-Council hereinafter dealt with and as regards any of them which so far as I am informed there is any suggestion that they are in conflict with these orders, they reproduce well known pre-existing rules. It does not therefore appear necessary to encumber this paper by any summary of them.

This code as has been said has not become binding on the states represented at the conference for want of ratification. It has however received the sanction of very high approval. As already mentioned, the House of Commons in Great Britain voted for its ratification and the House of Lords withheld approbation, but rather by reason of its failure to deal with certain matters considered at the conference, than because of anything contained in its positive provisions.

At the outbreak of the war Austria-Hungary and Germany in response to a suggestion made by the Secretary of State of the United States agreed to observe its provisions provided other belligerents would do so, and Russia and France as well as Great Britain agreed to be bound by it with the modifications already referred to and to be hereafter dealt with in more detail.

The despatch of your country suggesting agreement to its application in which the government expressed its belief that acceptance of the declaration "would prevent grave misunderstandings which may arise as to the relations between neutral powers and the belligerents" and Mr. Bryan added the earnest hope that the inquiry might receive favorable consideration, may also be cited as implying at least approval from a very high authority indeed of its provisions. And this notwithstanding that in view of Great

Britain's refusal to accept the declaration without modification, the suggestion was subsequently withdrawn, and that the United States in consequence in common with the other powers remains governed by its treaties and the rules of International Law irrespective of the provisions of the declaration.

As many of the provisions of this important instrument undoubtedly reproduce existing rules of International Law—in fact though some of its provisions are clearly the result of compromise between conflicting opinions, the signatory powers by a preliminary provision declared their agreement that the rules contained in it corresponded in substance with the generally recognized principles of International Law, it must always have great weight, if not as a legislative enactment if I may so speak, as, in many instances at all events, a statement by highly competent authorities of pre-existing rules of law. To the extent that it may be so rightly looked upon, the question of any force to be attached to it as *proprio vigore* binding on the nations, becomes of little importance. It is of course hardly necessary to say as an offset to the approval it has received as above mentioned, the declaration has been the object of very severe criticism, indeed of condemnation.

Before closing these observations on the declaration it may be well to add a word or two as to the official commentary that accompanies it and which is generally known as Mr. Renault's (the French plenipotentiary delegate's) report. This report elucidates and indeed in many instances supplements the provisions of the articles. The British delegates in their dispatch of 20th March, 1909, state that in accordance with the principles and practice of continental jurisprudence the declaration will be read by the light of the commentary. This I may add would be in accordance with the principles and practice of my own province of Quebec. Very eminent jurists in England however, including the Lord Chief Justice, and Lord Halsbury and Mr. Holland emphatically contest this. Sir Edward Grey is however said to have assured the Imperial Conference that the government of Great Britain and Ireland would on any ratification by it distinctly stipulate that the report should be considered as an authorized interpretation of the declaration, and by its Order-in-Council of 20th August, 1914,

adopting the declaration (with modifications) the British government expressly provided that this report should be considered by all prize courts as an authoritative statement of the meaning and intention of the declaration and its provisions should be construed and interpreted by the light of the commentary given therein.

The chief modifications which have been made by the British government to the Declaration of London are contained in four Orders-in-Council: The Order-in-Council of August, 1914, already mentioned, one of October, 1914, replacing the first mentioned, one of October, 1915, and the last in March of this year. Since provisions of the earlier Orders-in-Council have been superseded by the later Orders-in-Council, I shall refrain from discussing their individual provisions in detail. It will perhaps conduce to a clearer understanding of the situation if I content myself with a statement of their cumulative effect. For the sake of convenience I shall refer to all modifications: those affecting the subject of blockade as well as the subject of contraband, effected by the orders above mentioned.

These modifications may be stated as follows:

1. The lists of absolute and conditional contraband contained in the declaration have been rejected and new lists adopted which, though originally substantially the same as those of the declaration (the transfer of item 8 of conditional contraband covering balloons and other aeronautical equipment to the list of absolute contraband being the only change at first made) have from time to time been considerably added to.

2. A neutral ship with papers indicating a neutral destination which, notwithstanding the destination shown on her papers, proceeds to an enemy port is liable to capture and condemnation, if she is encountered before the end of her next voyage.

3. The destinations referred to in articles 30 and 33 of the declaration are presumed (in addition to the presumptions laid down in article 34) to exist and the doctrine of continuous voyage is (without in any way limiting the right of His Majesty, in accordance with the law of nations to capture goods as conditional contraband whether the carriage of the goods to their destination be direct or entail transshipment or a subsequent transport by land)

applied to conditional contraband as well as absolute contraband in the following cases:

- (a) If goods are consigned to or for an agent of an enemy state; or
- (b) If the goods are consigned "to order"; or
- (c) If the ship's papers do not show who is the consignee of the goods; or
- (d) If they show a consignee of the goods in territory belonging to or occupied by the enemy; or
- (e) If the goods are consigned to or for a person who, during the present hostilities, has forwarded imported contraband goods to a territory belonging to or occupied by the enemy.

The onus is upon the owner of the goods in every case, to prove that their destination is innocent.

4. Where it is shown to the satisfaction of one of his majesty's principal secretaries of state that the enemy government is drawing supplies for its armed forces from or through a neutral country, he may direct by notice to be published in the London Gazette, that Article 35 of the Declaration of London shall not apply and so long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country, shall not be immune from capture.

You will remember that article 35 provides that conditional contraband is not liable to capture except when found on board a vessel bound for enemy country or for the armed forces of the enemy, and when it is not to be discharged in a neutral port; and the ship's papers are by this article made conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation, and subject also to the remark hereinabove cited from Mr. Renault's report.

5. From and after October 20, 1915, Great Britain ceased to adopt and put in force Article 57 of the declaration which provides that "subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly. The case where a neutral vessel is

engaged in a trade which is closed in time of peace remains outside of the scope of the rule and is in no wise affected by it." This second paragraph of the article I need hardly mention, is intended to leave to such operation as it may have, what is known as the rule of 1756, under which the English prize courts have condemned neutral vessels engaged in the coasting and colonial trade of the enemy which was not open to them in times of peace. It was further provided that British prize courts should, in lieu of article 57, apply the rules and principles formerly observed in such courts.

6. From and after *March 30, 1916*, Great Britain ceased to adopt and put in force article 19 of the Declaration of London. This article provides that "Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade if, at the moment, she is on her way to an unblockaded port."

The reasons advanced as justifying the various modifications of the Declaration of London, have been presented in detail in diplomatic correspondence with which you are no doubt familiar. It would be going beyond my purpose to repeat them here save in a most general and abbreviated manner.

By the established classification goods are divided into three classes:

- (a) Goods susceptible primarily of use for warlike purposes.
- (b) Goods susceptible of use for either warlike or peaceful purposes.
- (c), Goods which are exclusively used for peaceful purposes.

Under the general law of contraband, goods in the first class may be seized if they can be proved to be going to the enemy country; goods in the second class may be seized if they can be proved to be going to the enemy government or its armed forces; goods in the third class must be allowed to pass free. As to the articles which fall within any particular one of these classes, there has been no general agreement in the past, and the attempts of belligerents to enlarge the first class at the expense of the second, and the second at the expense of the third, have, as you are aware, led to considerable friction with neutrals.

Under the rules of prize law, as laid down and administered by Lord Stowell, in the early years of the last century, goods were not regarded as destined for an enemy country unless they were to be discharged in a port in that country; but the American prize courts in the Civil War found themselves compelled by the then existing conditions of commerce to apply and develop the doctrine of continuous voyage, under which goods which could be proved to be ultimately intended for an enemy country were not exempted from seizure on the ground that they were first to be discharged in an intervening neutral port. This doctrine, although hotly contested by many publicists, had never been challenged by the British government and was more or less recognized as having become part of International Law. When the war broke out it was thought convenient, in order, among other things, to secure uniformity of procedure among all the allied forces, to declare the principles of international law which the allied governments regarded as applicable to contraband and other matters. Accordingly by the Orders-in-Council of the 20th of August and the 22nd of October, 1914, already referred to, and the corresponding French and Russian decrees, the rules set forth in the Declaration of London were adopted by the French and British governments with certain modifications as above set forth. As to contraband, the lists of contraband and free goods in the declaration were rejected and the doctrine of continuous voyage was applied not only to absolute contraband, as the declaration already provided, but also to conditional contraband, in the various cases I have already mentioned, if not indeed generally.

The situation as regards German trade was as follows: Direct trade to German ports (save across the Baltic) had almost entirely ceased, and practically no ships were met with bound to German ports. The supplies that Germany desired to import from overseas were directed to neutral ports in Scandinavia, Holland or (at first) Italy, and every effort was made to disguise their real destination. The power which we had under the declaration as modified by the earlier Orders-in-Council to deal with this situation in the circumstances then existing was:

- (1) We had the right to seize articles of absolute contraband

if it could be proved that they were destined for the enemy country, although they were to be discharged in a neutral port.

(2) We had the right to seize articles of conditional contraband if it could be proved that they were destined for the enemy government or its armed forces, at all events in the *cases specified above*, although they were to be discharged in a neutral port.

On the other hand, there was no power to seize articles of conditional contraband if they could not be shown to be destined for the enemy government or its armed forces, or non-contraband articles, even if they were on their way to a port in Germany, and there was no power to stop German exports, otherwise than by blockading their ports.

That was the situation until the German government, in violation of the usages of war, declared the waters around the United Kingdom a military area in which British and allied merchant vessels would be destroyed irrespective of the safety of the lives of passengers and crew, and in which neutral ships would be exposed to similar danger, in view of the uncertainty of naval warfare. This led to the adoption and employment by the allies of more extended methods of intercepting German commerce, in March, 1915. The allied governments then decided to stop all goods, wherever found upon the seas, which could be proved to be going to, or coming from, Germany. The state of things produced is in effect a blockade (which should perhaps be qualified as directed against goods only), adapted to the condition of modern war and commerce, the only difference in its effect being that the goods seized are not necessarily confiscated. In these circumstances, it will be convenient, in considering the treatment of German imports and exports, to omit any further reference to the nature of the commodities in question as, once their destination or origin is established, the power to stop them under the Order-in-Council of March, 1915, is complete. Our contraband rights, however, remain unaffected, though they, too, depend on the ability to prove enemy destination.

In carrying out her blockade policy great importance was from the outset attached by Great Britain to the stoppage of the enemy's export trade, because it is clear that the extent that his exports can be stopped, and his power to establish credits for himself in

neutral countries curtailed, his imports from such neutral countries will more or less automatically diminish. The latest returns available, those for September, 1915, show that over 92 per cent. of the German exports to the United States of America have been stopped.

It is of special interest to note that in the main these exports have not been merely diverted to the neutral countries adjacent to Germany. The imports which those countries have received from Germany have not in fact exceeded the normal quantities of previous years.

The object of the policy being to injure the enemy, the allied governments have in certain cases permitted the export of goods which had been ordered before the 1st of March, and had been either paid for prior to that date or ordered before that date on terms which rendered the neutral purchaser liable to pay whether the goods reached him or not. It is clear that in these cases no harm would be done to the enemy or, pressure put upon him, by not allowing the goods to pass. On the contrary he would, if that were done, both receive his price and retain the goods and their possible use. The total value of the goods with which the allied governments have undertaken not to interfere in such cases up to the end of 1915 is approximately £3,000,000. If the goods allowed to pass under this arrangement were deducted from the total enemy exports to the United States of America, it would be seen that the amount of German exports which serve to increase the resources of the enemy is almost negligible.

As regards German imports, however, the problem was much more complicated. Its central difficulty was that of distinguishing between goods with an enemy destination from those with a genuinely neutral destination. A belligerent who makes use of his naval power to intercept the commerce of his enemy has to justify his action in each particular case before a prize court, which is bound by international law and not by the *ordinary* law of the country in which it sits.

[I call attention to the word *ordinary*. I am not now touching the question of how far the prize courts of a country are bound to act upon legislative or executive acts of their own country as-

suming to settle questions of international law.] It is not sufficient for him to stop a neutral vessel and remove from her such articles as he may believe to be intended for his enemy; it is necessary subsequently to demonstrate in a court of law that the destination of the goods was such as to justify the belligerent in seizing them. If this is not proved, the goods will be released, and damages may be awarded against the captor. It must also be remembered that, in order to justify the seizure of a particular consignment, it is necessary to satisfy the prize court, of the enemy destination of that consignment, and evidence of a general nature, if unaccompanied by proofs directly bearing on a particular case, is not enough. All this applies as much to goods seized as contraband as it does to those seized for breach of blockade.

In earlier wars the production of the necessary proof was a comparatively simple matter. Owing to the difficulties of inland transport before the introduction of railways, goods for the enemy country were usually carried to ports in that country and the ship's papers showed their destination. When, therefore, the ship had been captured, the papers found on board were generally sufficient to dispose of the case. In the old cases of contraband, the question at issue was usually not where the goods were in fact going to, but whether their nature was such as to make them liable for condemnation in view of the destination shown on the ship's papers. Even in your great Civil War, the difficulty of proving destination was usually not serious, because the neutral harbors through which the supply of goods for the Confederate states was carried on were in normal times ports of comparatively small importance, and it could be shown that in normal times there was no local market for goods of such quantities and character.

The case has been far different in the present war. The goods which Germany attempts to import are consigned to neutral ports, and it need hardly be said that the papers on board convey no suggestion as to their ultimate destination. The conditions of modern commerce offer almost infinite opportunities of concealing the real nature of a transaction, and every device which the ingenuity of the persons concerned, or their lawyers, could suggest has been employed to give the shipments intended for enemy country the

appearance of genuine transactions with a neutral country. The ports to which the goods are consigned, such as Rotterdam and Copenhagen, have in peace time an important trade, which increases the difficulty of distinguishing the articles ultimately intended to reach the enemy country from those which represent importation into the neutral country concerned, for its own requirements. If action had to be taken solely on such information as might be gathered by the boarding officer on his visit to the ship, it would have been quite impossible to interfere to an appreciable extent with German imports, and the allied governments might therefore have been deprived of a *recognized* belligerent right.

In these circumstances, unless the allied governments were prepared to seize and place in the prize court the whole of the cargo of every ship which was on her way to a neutral country adjacent to Germany, and to face the consequences of such action, the only recourse open to them was to discover some test by which goods destined for the enemy could be distinguished from those which were intended for neutral consumption.

The first plan adopted for this purpose is to make use of every source of information available in order to discover the real destination of sea-borne goods, and to exercise to the full the right of stopping such goods as the information obtained showed to be suspect, while making a genuine and honest attempt to distinguish between bona fide neutral trade and trade which, although in appearance equally innocent, was in fact carried on with the enemy country.

For this purpose a considerable organization has been established in the Contraband Committee, which sits at the Foreign Office and works in close touch with the Admiralty, Board of Trade and War Trade Department. Nearly every ship on her way to Scandinavian or Dutch ports comes or is sent into a British port for examination, and every item of her cargo is immediately considered in the light of all the information which has been collected from the various sources open to the government, and which after nearly a year and a half of war, is very considerable. Any items of cargo as to which it appears that there is a reasonable ground for suspecting an enemy destination are placed in the prize court, while

articles as to the destination of which there appears to be doubt are detained pending further investigation.

If however, this were all that could be done, there is little doubt that it would be impossible to effect a complete cutting off of the enemy's supplies. For instance, there are many cases in which it would be difficult to establish in the prize court the right to stop goods, although they or their products, perhaps after passing through several hands, would in all probability ultimately reach the enemy. To indicate more plainly the nature of these difficulties would obviously be to assist the enemy and the neutral traders who desire to supply him; but the difficulties exist, and in order to meet them, it has been necessary to adopt other means by which neutral may be more easily distinguished from enemy trade, and the blockade of Germany made more effective than it would be if reliance had to be placed solely on the right to stop goods which could be proved to be intended for the enemy.

Importers in neutral countries adjacent to Germany have found that the exercise of the belligerent rights of Great Britain to some extent impedes the importation of articles which they genuinely need for the requirements of their own country, and consequently they have in many cases shown willingness to make arrangements which on the one hand secure their receiving the supplies which they need, while on the other hand guaranteeing that goods allowed to pass under the terms of the agreement will not reach the enemy. The neutral governments themselves have as a rule considered it inadvisable to make agreements on such points with his majesty's government; they have on the whole confined their action to prohibiting the export of certain articles which it is necessary for them to import from abroad. Inasmuch, however, as in most cases they reserved the right to grant exemptions from such prohibitions, and as trade between the Scandinavian countries themselves was usually excluded from the scope of such measures, the mere fact of the existence of such prohibitions could not be considered a sufficient safeguard that commodities entering the country would not ultimately reach Germany.

In some neutral countries, however, agreements have been made by representative associations of merchants, the basis of

which is that the associations guarantee that articles consigned to or guaranteed by them, and their products, will not reach the enemy in any form, while his majesty's government undertake not to interfere with shipments consigned to the association, subject to their right to institute prize proceedings in exceptional cases where there is evidence that an attempt has been made to perpetrate a fraud upon the association and to pass the goods ultimately through to Germany. The first of these agreements was made with the Netherlands Oversea Trust, and similar arrangements, either general or dealing with particular commodities of special importance, such as rubber and cotton, have been made with bodies of merchants in Sweden, Norway, Denmark and Switzerland. The details of these agreements it is impossible to give, but the general principle is that the associations, before allowing the goods to be consigned to them, require the would-be receivers to satisfy them by undertakings backed by sufficient pecuniary penalties, that the goods will not leave the country, either in their original shape or after any process of manufacture, and notwithstanding any sales of which they may be subject.

In some cases these agreements provide that the associations shall themselves be bound to detain or return goods believed by his majesty's government to be destined for the enemy; so that it does not follow that cargoes allowed to proceed to a neutral port will necessarily be delivered to the consignees.

The existence of such agreements is of great value in connection with the right of seizure, because the fact of articles not being consigned to or guaranteed by the association, or being consigned to it without the necessary consent, at once raises the presumption that they are destined for the enemy.

Delays caused by the elaborate exercise of the belligerent right of visit and search are very irksome to shipping; and many shipping lines who carry on regular services with Scandinavia and Holland have found it well worth their while to make agreements with his majesty's government under which they engage to meet our requirements with regard to goods carried by them, in return for an undertaking that their ships will be delayed for as short a time as possible for examination in British ports. Several agreements of

this kind have been made; the general principle of them is that his majesty's government obtain the right to require any goods carried by the line, if not discharged in the British port of examination, to be either returned to this country for prize court proceedings, or stored in the country of destination until the end of the war, or only handed to the consignees under stringent guarantees that they or their products will not reach the enemy. The companies obtain the necessary power to comply with these conditions by means of a special clause inserted in all their bills of lading, and the course selected by the British authorities is determined by the nature of the goods and the circumstances of the case. In addition to this some of these companies make a practice, before accepting consignments of certain goods, of inquiring whether their carriage is likely to lead to difficulties and of refusing to carry them in cases where it is intimated that such would be the case. The control of his majesty's government are in a position to exercise under these agreements over goods carried on the lines in question is of great value.

Though the safeguards already described do much to stop entirely all trade to and from Germany, yet, in spite of all of them, goods may and do reach our enemies, and, on the other hand, considerable inconvenience is caused to genuinely neutral trade. It is to avoid both evils that his majesty's government have for months past advocated what is called rationing, as by far the soundest system both for neutrals and belligerents. It is an arrangement by which the import of any given article into a neutral country is limited to the amount of its true domestic requirements. The best way of carrying this arrangement into effect is probably by agreement with some body representing either one particular trade or the whole commerce of the country. Without such an agreement there is always a risk that, in spite of all precautions, the whole rationed amount of imports may be secured by traders who are really enemy agents. These imports might go straight on to Germany, and there would then be great practical difficulty in dealing with the next imports destined, it may be, for genuine neutral traders. If they were to be stopped, there would be great complaint, of injustice to neutrals and yet unless that be done the

system would break down. Accordingly, agreements of this kind have been concluded in various countries, and his majesty's government are not without hope that they may be considerably extended in the future. Even so the security is not perfect. An importer may always let his own countrymen go short and re-export to Germany. The temptation to do so is great, and, as our blockade forces prices up, is increasing. But the amount that gets through in this way cannot be large, and the system is in its working so simple that it minimizes the delays and other inconveniences to neutral commerce inseparable from war. Of the details of these arrangements it is impossible to speak. But their principle appears to offer the most hopeful solution of the complicated problems arising from the necessity of exercising our blockade through neutral countries.

To sum up, the policy which has been adopted in order to enforce the blockade of Germany may be described as follows:

(I) German exports to oversea countries have been almost entirely stopped. Such exceptions as have been made are in cases where a refusal to allow the export of the goods would hurt the neutral concerned without inflicting any injury upon Germany.

(II) All shipments to neutral countries adjacent to Germany are carefully scrutinized with a view to the detection of a concealed enemy destination. Wherever there is reasonable ground for suspecting such destination, the goods are placed in the prize court. Doubtful consignments are detained until satisfactory guarantees are produced.

(III) Under agreements in force with bodies of representative merchants in several neutral countries adjacent to Germany, stringent guarantees are exacted from importers, and so far as possible all trade between the neutral country and Germany, whether arising overseas or in the neutral country itself, is restricted.

(IV) By agreements with shipping lines and by a vigorous use of the power to refuse bunker coal, a large proportion of the neutral mercantile marine which carries on trade with Scandinavia and Holland has been induced to agree to conditions designed to prevent goods carried in these ships from reaching the enemy.

(V) Every effort is being made to introduce a system of

rationing which will insure that the neutral countries concerned only import such quantities of the articles specified as are normally imported for their own consumption.

The foregoing exposition of the situation which faced the allies and the manner of meeting it, I do not give as original. It is taken from different reports and memoranda.

Now in all this there is unquestionably much that is new. This war is like no previous war. If it has demonstrated anything, it is that in the present world conditions, the interests of all the nations are so closely, not merely connected but co-related and inextricably interwoven if I may use the expression, that it has become practically impossible that a blow struck at those of one should not result in injury to a greater or less degree to those of all the others.

This being so, as long at all events as the reduction of an enemy by siege or by blockade which has been correctly described as a form of maritime siege operation is recognized as among the rights of a belligerent, it would seem unavoidable that the exercise of that right if it is to be effective, must operate to prevent the ingress or egress by any method of goods to the besieged country. This necessarily means interference with the trade of neutrals for it is in the course of such trade that goods enter or leave that country. The enemy trade to be struck at is his trade with neutrals, and the trade being one the blow that falls upon it strikes both parties to it; and to be struck at, the enemy trade must be sought out and discovered. This necessarily involves interference, in some degree with the trade of neutrals generally.

As has been pointed out the facilities of land transport to-day make blockade confined absolutely to the shutting out of direct ingress and egress to the enemy ports or coasts, an ineffective means of carrying on a maritime siege. If the old rule so confining it is to be strictly adhered to, the result is that only the states whose geographical situation is such as to make their imports and exports come to and leave them directly from their own seaports can be effectively subjected to it, and unless the law is to discriminate between such nations and those whose territory is inland, entirely or partially, some modification, not in the fundamental principles

upon which the right of blockade rests, but in the manner of the exercise of the right would seem to be called for. Things forbidden because unnecessary in the past, may well be permitted because necessary to-day and in the future, the prohibition resting upon the absence of necessity. Rules which in the past merely operated to regulate the mode of exercise of a right, it would seem cease to apply when their application would not regulate but, in effect, destroy the right.

International law so far as it is expressed in specific rules is after all a customary law. Such specific rules are but the result of practice. New cases necessitates the creation of new or the modification of old rules. It is a law which must necessarily develop "broadening down from precedent to precedent," and so long as the great fundamental principles of justice and equity as recognized by the *consensus communis* of the race which are the basis of the law of nations remain intact we may perhaps be permitted to look with equanimity upon modifications of positive rules when such modifications are necessitated by new conditions.

And now at last I come to the end of the observations with which I have tired you, and tired you to little purpose. I have had no thesis to develop or defend. I have merely "talked right on telling you that which you yourselves do know."

Doubtless much has been left unsaid that might better have been said. Though these observations have been I fear exhausting to your patience, I am quite aware that they are far from exhaustive.

Many-sided is the question of how are to be justly conciliated the right on the one hand of the belligerent to cripple his enemy by striking at his sea-borne commerce and supplies, and that of the neutral to pursue upon the high seas his legitimate trade. As said by Mr. Cohen, K. C., in his masterly address on the Declaration of London, already quoted from, "It is only by a reasonable compromise of conflicting claims and rights that such questions can be solved and more especially is this true of such questions as those relating to contraband and commercial blockade, because they affect different states in a very different degree according as these states are neutral or belligerent, and according as they are or are

not great naval powers or in the possession of numerous coaling and naval stations."

Whatever differences may arise between our respective countries in connection with any of these questions, I am sure you share my abiding confidence that such a reasonable compromise will be easily reached. That confidence rests upon the strong friendship and sympathy that must bind together two great nations whose bond of union is to be found not *only*, and indeed not so much, in the kinship that exists between so many of their respective peoples of all the races who make up their respective populations, but also and mainly in the facts that to them both it has been given to enjoy, in the fullest measure, the benefits of democratic institutions, as they were born and through long years and many struggles developed in the older land, and as, inherited at first they have been shaped and adapted in this newer land, and that to them both belongs the glorious task of demonstrating to the world that those institutions make not only for ordered liberty within the state, but for peace, concord and amity between the states that enjoy them.



Charles Cheney Hyde

ADDRESS OF
CHARLES CHENEY HYDE
BEFORE THE ILLINOIS STATE BAR ASSOCIATION
JUNE 2, 1916

THE UNITED STATES AND THE LAW OF BLOCKADE.

The law of blockade, whatever it may be today, had its origin in the theory that when a place was besieged, military operations ought not to be interfered with by certain acts, such as the sending in by neutrals of grain or provisions or men.¹ The belligerent claim was increased when the right was asserted to prohibit neutrals from trading with a place, by virtue of a bare notification that it was blockaded, when in fact such place was not besieged although the investment of it was contemplated. It was another step forward when a belligerent substituted naval investment for a siege in justification of the attempt to maintain a blockade. Again, from a naval investment embracing a naval operation against an enemy port, it was but a short step to the establishment of a blockade by a cordon of vessels engaging in no activity other than the prevention of access to or egress from the port. By so cutting off enemy commerce with neutral states, the latter were obviously deprived of a traffic which at least apart from articles deemed contraband, offered no military aid to the blockaded country. It may be observed in passing that the United States in early days of the republic viewed with disapproval blockades of such a nature. Marshall, when Secretary of State in 1800, declared that on principle it might well be questioned whether a rule permitting the confiscation of vessels bound for a blockaded port could be applied to a place not completely invested by land as well as by sea. "If," he said, "we examine the reasoning on which is founded the right to intercept and confiscate supplies designed for a blockaded town, it will be difficult to resist the conviction that its extension to towns

¹ See Westlake, "Commercial Blockade," *Collected Papers*, 312, 320-321.

invested by sea, only, is an unjustifiable encroachment on the rights of neutrals."² Marshall was obliged to admit, however, that the departure from principle had nevertheless "received some sanction from practice." In 1859 Mr. Cass, as Secretary of State, declared that "The blockade of a coast or of commercial positions along it, without any regard to ulterior military operations and with the real design of carrying on a war against trade, and from its very nature against the trade of peaceable and friendly powers, instead of a war against armed men, is a proceeding which it is difficult to reconcile with reason or with the opinions of modern times. * * * Unfortunately, however, the right to do this has been long recognized by the law of nations, accompanied indeed with precautionary conditions, intended to prevent abuse, but which experience has shown to be lamentably inoperative."³ The United States concluded numerous treaties embodying provisions in accordance with the view thus quoted. According to Article XVII. of a treaty with Brazil of December 12, 1828, it was provided with respect to neutral commerce in the event of war, "that those places are only besieged or blockaded which are actually attacked by a force capable of preventing the entry of the neutral."⁴ Substantially the same language was used also in treaties concluded with Chili, May 16, 1832,⁵ with Colombia, October 3, 1824,⁶ with Guatemala of March 3, 1849,⁷ and with Salvador of January 2, 1850,⁸ and December 6, 1870.⁹ Somewhat different phraseology was employed in the treaty with Peru of August 31, 1887.¹⁰ In the treaty with Italy of February 26, 1871, it was declared that "such places only shall be considered blockaded as shall be actually invested by

² See communication to Mr. King, Minister to England, September 20, 1800, Am. St. Pap., For. Rel. II. 486, 488, Moore, Dig., VII. 781.

³ See communication to Mr. Mason, Minister to France, No. 190, June 27, 1859, MS. Inst. France XV. 426, Moore, Dig., VII. 781.

⁴ See Malloy's Treaties, I. 138.

⁵ See Art. XV. id., I. 176.

⁶ Art. XV. id., I. 297.

⁷ Art. XVII. id., I. 866.

⁸ Art. XVIII. id., II. 1543.

⁹ Art. XVIII. id., II. 1557.

¹⁰ Art. XIX. id., II. 1437.

naval forces capable of preventing the entry of neutrals, and so stationed as to create an evident danger on their part to attempt it."¹¹

It was the establishment of so-called paper blockades whereby ports not effectually blockaded by any naval force were nevertheless declared to be in a state of blockade that worked havoc with neutral commerce. The provision of the Declaration of Paris of 1856, that a blockade in order to be binding must be effective, served as a sharp check upon the gradually increasing pretensions of belligerent states.

It is important to note the reason for the adoption of this principle. It will be recalled that the Declaration of Paris also provided that a neutral flag covers enemy's goods, with the exception of contraband of war. This provision embodying the rule that free ships make free goods was valueless if a belligerent power under cover of a paper blockade could capture and confiscate at will neutral ships bound for enemy ports. Hence it became necessary to confine the right of blockade, and to compel the belligerent claiming to exercise it, to maintain a force "sufficient really to prevent access to the coast of the enemy." To do so was a relatively hard task for a belligerent, and one which it was not permitted to accomplish by another easier process. The difficulty of making a blockade effective in 1856 was due to the limitations generally of naval power. Navigation by steam was in its infancy, guns were a short range, electric searchlights were non-existent and signaling by wireless telegraphy undreamed of. The absence of submarine and other modern weapons such as the automatic contact mine, did not place a blockading squadron forming a close cordon around the enemy's ports in special danger of destruction by any unseen foe. Blockade-running was successfully undertaken through blockading lines deemed to be legally effective. The complete and absolute blockade of a coast was in fact an impossibility. Thus there seems to be little ground for the inference that maritime powers, then struggling for increased respect for neutral rights, intended to agree that when new and undreamed of weapons came into being with unheard of radii of efficiency in relation to power, com-

¹¹ Art. XIII. *id.*, I. 973. See also Art. XIX. treaty with Mexico, April 5, 1831, *id.*, I. 1091.

munication and detection, a belligerent's right to cut off access to its enemy's coasts was to be measured by its sheer power to do so; for in the exercise of such vastly increased power, at that time incapable of estimation or anticipation, there would be substituted in reality a right of capture for a right of blockade.

The Declaration of Paris was a check upon the abuse of belligerent rights, indicating the general acknowledgment of maritime states that the right of blockade was a limited one, which neutral powers were obliged to respect upon condition that its exercise be confined to the limits prescribed. It was the freedom of neutral commerce sought to be insured by the check upon the belligerent that caused the world to accept the principles therein enunciated as Professor Moore declares "with joyful unanimity."

The United States during the Civil War made extensive and practical use of the right of blockade. The South Atlantic and Gulf ports were effectively blockaded as far as to the Rio Grande. The judicial department of the government was obliged to pass upon the validity of acts through which the blockade was sought to be enforced. The decisions of the Supreme Court of the United States in that connection deserve examination at this time.

In the cases most often cited the question was whether by virtue of the doctrine of so-called continuous voyage, cargoes of contraband goods bound indirectly as well as directly for Confederate ports or places, were subject to capture by United States warships, when found on neutral vessels ostensibly bound for a neutral port. Without venturing upon discussion of the scope of that doctrine as applied by the Supreme Court of the United States, it suffices to note that it was the contraband nature of the cargo coupled with its destination to enemy territory, fully as much as the bare fact that such destination was a blockaded place, that sufficed to justify condemnation. This has been tersely emphasized by three careful commentators. Thus, the late Justice Charles B. Elliott of the Supreme Court of the Philippine Islands has said, "The entire coast of the southern states was blockaded and every ship which attempted to carry contraband goods to the Confederate ports was necessarily guilty also at some stage of the voyage of an attempt to run the blockade. Under these conditions the

ships and cargoes might in some of the cases have been condemned upon either ground. The *Dolphin*, the *Hart* and the *Bermuda* were carrying contraband of war to a belligerent and were liable to condemnation without reference to the additional fact that it was necessary to run the blockade in order to deliver the cargo to the belligerents. The *Peterhoff* and the *Springbok* were also carrying contraband and the cargoes were condemned and the ships released. As the doctrine of continuous voyage was properly applicable to the carriage of contraband goods, the judgments entered in all of these cases were correct regardless of the fact that the court included among the reasons for condemnation the additional fact that the vessels were engaged in blockade running."¹² Mr. L. H. Woolsey of the State Department says in this connection: "The United States has generally been credited with having first applied the doctrine of continuous voyage to blockade running during the Civil War when British vessels plied between England and Nassau with an ultimate destination to the Confederate ports. The earliest cases cited by Justice Elliott are the *Dolphin*,¹³ *Pearl*,¹⁴ *Stephen Hart*,¹⁵ *Circassian*,¹⁶ *Bermuda*,¹⁷ *Peterhoff*,¹⁸ and *Springbok*.¹⁹ Among these there is none which applies the doctrine solely to blockade. Nor have any later cases, so far as has been found, so applied the doctrine.²⁰ Again, more recently, the Honorable Simeon E. Baldwin of Connecticut has said in the same connection: "The doctrine of the continuous voyage is practically concerned only with cargoes of contraband goods, bound—directly or indirectly—to the country of an enemy of the captor. Theoretically, it may include a ship not carrying contraband, but intending to run a blockade either in ballast or with non-contraband goods. Such an intention

¹² Am. J. Int. L., I. 104.

¹³ 7 Fed. Cases 868.

¹⁴ 19 Fed. Cases 54.

¹⁵ Blatchf. Prize Cases 387.

¹⁶ 2 Wall. 135.

¹⁷ 3 Wall. 514.

¹⁸ Blatchf. Prize Cases 463; 5 Wall. 28.

¹⁹ Blatchf. Prize Cases 434; 5 Wall. 1.

²⁰ See "Early Cases on the Doctrine of Continuous Voyages," Am. J. Int. L., IV, 827.

has been viewed as a fault of the ship for which she may be seized anywhere on the high seas at the very beginning of her voyage." (Citing the *Adula*, 176 U. S. 361, 370.)

"The *Springbok*, sailing from London to Nassau, laden with contraband, was seized on the high seas, about a hundred and fifty miles from her ostensible port of destination. Her cargo was declared good prize because, said the Chief Justice, 'contraband or not, it must be condemned if destined to any rebel port, for all rebel ports were under blockade.' * * *

"But suppose there had been no blockade. Would the *Springbok* have acted in good faith, as a neutral subject, had she planned just such a continuous voyage, carrying contraband?"²¹ Judge Baldwin evidently thinks not.

In a communication of October 21, 1915, for presentation to Sir Edward Grey, Secretary Lansing adverts to the fact that the British Foreign Secretary in his instructions to the British delegates to the London Naval Conference in 1908 said:

"It is exceedingly doubtful whether the decision of the Supreme Court was in reality meant to cover a case of blockade-running in which no question of contraband arose. Certainly if such was the intention, the decision would *pro tanto* be in conflict with the practice of the British courts. His Majesty's Government see no reasons for departing from that practice, and you should endeavor to obtain general recognition of its correctness."²²

The foregoing extracts serve a useful purpose in showing that the doctrine of continuous voyage, whatever be its proper scope, is one associated in the minds of American judges with the law of contraband. Rejecting the right of a belligerent to establish a blockade, it may be doubted whether the Civil War cases encourage extensions not previously recognized.

In one case, however, that of the *Peterhoff*, the Supreme Court of the United States made a significant utterance respecting the limitation of the right of a belligerent to blockade neutral waters and to check neutral commerce other than contraband bound for enemy territory by inland transportation, when such territory was

²¹ See "The 'Continuous Voyage' Doctrine during the Civil War, and Now," *id.*, IX. 797-798.

²² Department of State, File No. 763, 72112, Note to Ambassador W. H. Page.

blockaded by sea. The *Peterhoff* was an English vessel bound from London to Matamoras, Mexico, and was captured near the Island of St. Thomas, February 25, 1863, by the U. S. S. *Vanderbilt*. The Supreme Court was of opinion that the mouth of the Rio Grande was not included in the blockade of the ports of the rebel states and that neutral commerce with Matamoras, except in contraband, was entirely free. It was also held that trade between London and Matamoras even with intent to supply therefrom, goods to Texas, violated no blockade and could not be declared unlawful. In this connection Chief Justice Chase declared, "Trade with a neutral port in immediate proximity to the territory of one belligerent, is certainly very inconvenient to the other. Such trade, with unrestricted inland commerce between such a port and the enemy's territory, impairs undoubtedly and very seriously impairs the value of a blockade of the enemy's coast. But in cases such as that now in judgment, we administer the public law of nations, and are not at liberty to inquire what is for the particular advantage or disadvantage of our own or another country. We must follow the lights of reason and the lessons of the masters of international jurisprudence."²³

At the close of the Civil War we find the law of commercial blockade strengthened by its exercise by the United States as a belligerent; but in that exercise we find no departure from the principles contained in the Declaration of Paris. Nor do we find any extension in the mode of establishing a blockade. Again, it should be noted (even if it be a repetition) that the capture of neutral vessels off neutral coasts and destined thereto was not a mode of maintaining a blockade or a necessary incident of its establishment, but primarily and usually a means of intercepting traffic ultimately bound for enemy territory or for a hostile use and which by reason of its character as contraband, was subject to belligerent restraint.

The Declaration of London of 1909, concerning the laws of naval warfare, while not technically declaratory of international law, was signed by plenipotentiaries of the United States, Austria-Hungary, France, Germany, Great Britain and the Netherlands. Ratification was advised by the United States Senate, April 24,

²³ 5 Wall. 28, 57.

1912, but there was failure of ratification by the President owing to the unwillingness of certain other maritime powers to accept the convention. It will be recalled that as early as August 6, 1914, the Department of State inquired whether the governments of the European states then at war would be willing to observe the provisions of the Declaration of London as applied to naval warfare, during the existing conflict, and it was announced that the Government of the United States believed that acceptance thereof would prevent grave misunderstandings between neutral and belligerent powers. On October 24, 1914, however, the Department withdrew its suggestion because some of the belligerents were unwilling to accept the declaration without modification.²⁴ The Declaration of London contemplated no relaxation in the method of establishing blockades owing to the existence of new and powerful naval weapons. Without attempting analysis or description of the 21 articles devoted to the subject, it seems wise to note the language of Article I which declared that, "A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy," and of Article XVIII providing that "The blockading forces must not bar access to neutral ports or coasts."²⁵

On March 1, 1915, the British embassy at Washington informed the Secretary of State that by reason of alleged illegal practices on the part of Germany, her opponents were driven to frame retaliatory measures in order to prevent commodities of any kind from reaching or leaving Germany. It was declared that those measures would be enforced by the British and French governments without risk to neutral ships or to neutral or non-combatant life, and in strict observance of the dictates of humanity, and that France and England would "therefore hold themselves free to detain and take into neutral port ships carrying goods of presumed enemy destination, ownership, or origin."²⁶

On March 15 the American embassy at London received the text of the famous British Order in Council of March 11, 1915. This declared that no merchant vessel which sailed from her port

²⁴ See Am. White Book, European War, I. 5-8.

²⁵ See Charles' Treaties, 269 and 271.

²⁶ See Am. White Book, European War, I. 61.

of departure after the first of March should be allowed to proceed on her voyage to any German port; that no merchant vessel which sailed from any German port after March first should be allowed to proceed on her voyage with any goods on board laden at such port; that every merchant vessel which sailed from her port of departure after that date on her way to a port other than a German port, carrying goods to an enemy destination, or which were enemy property, might be required to discharge the same in a British or allied port; that every merchant vessel which sailed from a port other than a German port after that date, having on board goods which were of enemy origin or were enemy property, might be required to discharge the same in a British or allied port; that a merchant vessel which had cleared for a neutral port from a British or allied port, or which had been allowed to pass, having an ostensible destination to a neutral port, and which proceeded to an enemy port, would, if captured on any subsequent voyage, be liable to condemnation.²⁷

The United States and Great Britain have since engaged in prolonged discussion respecting the lawfulness both of the theory and operation of this Order in Council. In observing and commenting upon the British policy American lawyers must refrain from assuming that that policy is dictated solely by military necessity, regardless of law, and hence is to be attributed to the determination of the greatest naval power to crush its adversary by any process, and even by one that holds in contempt any obstacles which the rights of neutrals appear to interpose.

Again, the suggestion that the Order in Council is an acknowledged deviation from the law of nations and is to be excused on account of alleged extraordinary conditions now prevailing, or by reason of alleged excesses of the enemies of Great Britain, presents difficulties that almost baffle intelligent discussion. The United States as a neutral cannot weigh with exactness the value of excuses so offered because it cannot test accurately the solidity of the foundation on which they rest. In past wars the United States when a neutral has found belligerent states offering similar

²⁷ See *id.*, I. 66.

²⁸ Moore, Dig. VII, 80 O.

excuses in justification of illegal conduct. Thus Mr. John Quincy Adams, when Secretary of State, declared in a communication to Mr. Rush, the American minister at London, November 6, 1817, "The unexampled outrage upon all neutral rights which were sanctioned during the late wars both by Great Britain and France, were admitted by both to be unwarranted by the ordinary laws of nations. They were, on both sides, professed to be retaliations, and each party pleaded the excesses of the other as the justification of its own. Yet so irresistible is the tendency of precedent to become principle in that part of the law of nations which has its foundation in usage, that Great Britain, in her late war with the United States, applied against neutral maritime nations almost all the most exceptional doctrines and practices which she had introduced during her war against France." No one can doubt that Mr. Adams had close knowledge of the experience of his own country. The United States, during the present war, has wisely, on all occasions, declined to permit any belligerent whose conduct has been deemed to be contrary to international law, to rely in defense upon the retaliatory nature of that conduct, or upon the alleged shortcomings of its enemy. In dealing with the British Order in Council, the Department of State declared on March 30, 1915:

"The government of the United States notes that in the Order in Council His Majesty's Government give as their reason for entering upon a course of action, which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to retaliate upon their enemies for measures of a similar nature which the latter have announced it their intention to adopt and which they have to some extent adopted; but the Government of the United States, recalling the principles upon which His Majesty's Government have hitherto been scrupulous to act, interprets this as merely a reason for certain extraordinary activities on the part of His Majesty's naval forces and not as an excuse for or prelude to any unlawful action. If the course pursued by the present enemies of Great Britain should prove to be in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it cannot be supposed, and this Government does not for a moment suppose, that

His Majesty's Government would wish the same taint to attach to their own actions or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights."²⁸

The British government has gone a step further, and now takes the position that the application of the Order in Council to present conditions, although inspired by alleged wrongful conduct of the enemy, does not in reality conflict with any general principle of international law, of humanity, or of civilization, and that the measures taken pursuant thereto are "juridically sound and valid."²⁹ It therefore behooves the bar of the United States embracing happily the bar of Illinois, to consider earnestly and dispassionately this contention, and to study with care the correspondence between the United States and Great Britain. In such a task the prejudices of American lawyers in favor of neutral rights must be admitted. No American student familiar with the long struggle of his country for the freedom of the high seas, can approach the subject without bias. Nevertheless, if such a one reaches conclusions in opposition to those so ably maintained by Sir Edward Grey, it must not be assumed that they are due to interest in or sympathy for the cause of the enemies of Great Britain. The American Bar however zealous in espousing the cause of the United States, may justly resent the imputation of prejudice in favor of belligerent powers at war with those whose conduct it subjects to criticism.

On March 30, 1915, the Department of State made general criticism of the Order in Council, but was chiefly concerned with the uncertainty as to its operation. It was said, however, that if the provisions of the order were actually carried into effect as they stood, they would constitute "a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace."³⁰ It was declared also that a nation's sov-

²⁸ Am. White Book, European War, I. 70.

²⁹ See memorandum enclosed in communication of the British Ambassador to the Secretary of State, No. 107, April 24, 1916.

³⁰ See Am. White Book, European War, I. 69.

ereignty over its own ships and citizens under its own flag on the high seas in time of peace is unlimited; and that sovereignty suffers no diminution in time of war except in so far as the practice and consent of civilized nations has limited it by the recognition of certain clearly determined rights. The right to establish and maintain a blockade of an enemy's ports and coasts, and to capture and condemn any vessels trying to break the blockade was admitted; such a right was, however, said to be clearly defined both in doctrine and practice. The right, on the other hand, of a neutral to ship non-contraband goods to and from belligerent territory, even though blockaded by sea, through other neutral states was asserted. It was said that the Declaration of Paris and the doctrine laid down by Chief Justice Chase in the case of the *Peterhoff* were indicative of neutral rights not questioned by Great Britain until after the beginning of the war; and that for the United States to admit the propriety of violation thereof would amount to unneutrality on its part toward the enemies of Great Britain. Fear was expressed lest the operation of the alleged blockade would bar access to neutral ports and coasts, exposing neutral commerce to unusual risks and penalties. It was said that such limitations, risks and liabilities placed on neutral commerce would be a distinct invasion of the sovereign rights of the nation whose ships, trade or commerce was interfered with.

The American note contained an important statement in declaring that the United States might be ready to admit that the old form of "close" blockade with its cordon of ships in the immediate offing was no longer practical in face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and air-craft; but it was said that England could hardly maintain that regardless of the form of an effective blockade employed, it was impossible to conform at least to the spirit and principles of the established rules of war. If, it was declared, necessity should render imperative the extension of a cordon of blockading vessels across the approaches to any neighboring neutral port or country, "it would seem clear that it would still be easily practicable to comply with the well-recognized and reasonable prohibition of international law against the blockading of neu-

tral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon." The wide discretion afforded British prize courts and executive officers of the Crown was noted and hope was expressed that the operation of the British plan would not result in illegal interference with neutral rights. Nevertheless, dangers to be anticipated from the extraordinary method adopted were pointed out, and warning was uttered lest there be a serious interruption of legitimate American trade. In view of the date of this note and the existing uncertainty as to the probable effect of the British measures, the Department of State may perhaps be excused for not making at that time more vigorous and detailed protest.

On July 23rd Great Britain made reply.³¹ Sir Edward Grey declared that the United States admitted the right of a belligerent to blockade enemy ports and that such right was of no value save in so far as it gives power to a belligerent to cut off sea-borne exports and imports of his enemy. The contention of the United States was, he declared, "that if a belligerent is so circumstanced that his commerce can pass through adjacent neutral ports as easily as through ports in his own territory, his opponent has no right to interfere, and must restrict his measures of blockade in such a manner as to leave such avenues of commerce still open to his adversary." This contention he said, His Majesty's Government felt unable to accept. They were unable to admit, he added, "that a belligerent violates any fundamental principle of international law by applying a blockade in such a way as to cut off the enemy's commerce with foreign countries through neutral ports if the circumstances rendered such an application of the principles of blockade the only means of making it effective." This argument signified that the right of blockade is of limitless scope conferring upon the belligerent the incidental right to do anything to make it successful and effective.

Attention was called to the experience of the United States during the Civil War when it was said that "the old principles relating to contraband and blockade were developed and the doctrine of continuous voyage was applied and enforced under which goods

³¹ See Am. id., II. 179.

destined for the enemy territory were intercepted before they reached the neutral ports from which they were to be re-exported." It may be recalled that during the Civil War the United States did not extend the mode of establishing a blockade, and that if it did extend the doctrine of continuous voyage, that was a circumstance fairly ascribable to the general right to capture contraband. Sir Edward Grey contended in brief that a blockade limited to enemy ports would be valueless as a military measure because in such event there would remain open through neutral territory routes by which every kind of German commerce could easily pass. He declared that if it be recognized that a blockade is in certain cases an appropriate method of intercepting the trade of an enemy country, and if a blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance. In response it may be said that the right of blockade is not necessarily indicative of any general right to intercept the enemy's commerce, but has rather heretofore been regarded as a limited right, the exercise of which is dependent upon the absence of certain forms of interference with neutral territory. Sir Edward Grey admitted that what is really important in the general interest is that adaptations of the old rules should not be made unless they were consistent with the general principles upon which an admitted belligerent right was based. He denied that under the Order in Council there was in fact a barring of access to neutral ports, or that there was substantial interference with legitimate neutral trade. He denied also that there was evidence of any uniform practice of nations indicating limitations upon the right of a blockading power, and he declared that the one fundamental principle that had gained recognition was that by means of a blockade a belligerent is entitled to cut off by effective means the sea-borne commerce of the enemy.

On October 21, 1915, Secretary Lansing made reply.^{31a} At the outset he adverted to the regret felt by the United States that its early hopes had not been realized that the operation of the Order in Council would not prove an unnecessary burden upon American

^{31a} See *id.* III, 25.

commerce. He called attention to the fact that on the contrary, American ships and cargoes destined in good faith to neutral ports and lawfully entitled to proceed, had been subjected to increasingly vexatious interference. He said that Great Britain appeared to admit an intention to establish a blockade so extensive as to prohibit trade with Germany or Austria-Hungary even through the ports of neutral countries adjacent thereto, but that she admitted that she should not, and gave assurance that she would not, interfere with trade with the countries contiguous to the territory of her enemies. Nevertheless, it was declared that Great Britain had been unsuccessful in her efforts to distinguish between enemy and neutral trade. Arrangements that had been made, it was said, to create in neutral countries special consignees or consignment corporations with power to refuse shipments and to determine when the state of the country's resources required the importation of new commodities. It was declared that American commercial interests were hampered by the intricacies of these arrangements and American *bona fide* trade greatly reduced in consequence. Complaint was made that British authorities required a consignor to prove that his shipments were not bound to an enemy of Great Britain, even when the articles were on the embargo list of the neutral country to which they were destined, and that notwithstanding the previous British assertion that interference with such trade by a belligerent, depended upon its ability to establish that such commerce was with the enemy. Secretary Lansing declared that in view of the circumstances that had developed, the United States could no longer permit the validity of the alleged blockade to remain unchallenged.

Adverting to the requirement of the Declaration of Paris that blockades, in order to be binding, must be effective, he said that the effectiveness of a blockade is manifestly a question of fact, that inasmuch as the German coasts were open to trade with Scandinavian countries and that German naval vessels cruised in both the North Sea and the Baltic and brought into German ports neutral vessels bound for Scandinavian and Danish ports, it did not appear that the British blockade was effective. He maintained that an essential principle of universal acceptance was that a blockade must

apply impartially to the ships of all nations, while that in the present case under the English procedure, German ports were notoriously open to traffic with the ports of Denmark, Norway and Sweden.³²

The Secretary stated that "there is no better settled principle of the law of nations than that which forbids the blockade of neutral ports in time of war," and stated that Article XVIII. of the Declaration of London declaring that "the blockading forces must not bar access to neutral ports or coasts" was in the opinion of the United States a correct statement of universally accepted law then existing. In support of that proposition he quoted the instructions to the British delegates to the London Naval War Conference of 1908, and the explanatory statement of Mr. Renault in the report of the drafting committee upon the Declaration of London.³³ He added, "This has been the rule for a century, so that it is scarcely necessary to recall that the Matamoras cases well-known to the British government support the same rule, that neutral ports may not be blockaded though 'trade with unrestricted inland commerce between such a port and the enemy's territory impairs undoubtedly, and very seriously impairs, the value of a blockade of the enemy's coast.'"

He added that without mentioning other customary elements of a regularly imposed blockade, such as notification of the particular coast line invested, the imposition of the penalty of confiscation, etc., which were lacking in the present British blockade policy, it needed only to be pointed out that measured by the three universally conceded tests set forth, the British measure could not be regarded as constituting a blockade in law, in practice and in effect. The Secretary therefore declared that the Order in Council of March 11th could not be recognized as a legal blockade by the United States. With respect to the case of the *Springbok* (on with the British Government had placed reliance) he pointed out

³² He added "So strictly has this principle been enforced in the past that in the Crimean War the Judicial Committee of the Privy Council on appeal laid down, that if belligerents themselves trade with blockaded ports they can not be regarded as effectively blockaded. (*The Franciska*, Moore, P. C., 56.)"

³³ He cited also *Jonge Pieter*, 4 C. R., 79.

that circumstances surrounding the case were essentially different from those of the present day, to which the rule laid down therein was sought to be applied.³⁴

In conclusion Mr. Lansing said in part that the methods sought to be employed by Great Britain to obtain and use evidence of enemy destination of the cargoes bound for a neutral port and to impose a contraband character upon such cargoes were without justification, and that the blockade upon which such methods were partly founded was "ineffective, illegal and indefensible." He said, "The United States, therefore, can not submit to the curtailment of its neutral rights by these measures, which are admittedly retaliatory, and therefore illegal, in conception and in nature, and intended to punish the enemies of Great Britain for alleged illegalities on their part. * * * The government of the United States * * * must insist that the relations between it and His Majesty's Government be governed, not by a policy of expediency, but by those established rules of international conduct upon which Great Britain in the past has held the United States to account when the latter nation was a belligerent engaged in a struggle for national existence."

On April 24, 1915, the British Ambassador at Washington filed with the Department of State a memorandum containing Sir Edward Grey's reply. He contended that the Supreme Court of the United States in the Civil War cases had extended the doctrine of continuous voyage so to cover all cases where there was an intention to break the blockade by whatever means, direct or indirect. He sought a parallel between the conduct of the United States in that war and that of Great Britain in the present conflict. He emphasized the effort being made by Great Britain to distinguish between *bona fide* neutral commerce and that which was intended for the enemy. He stated that the rules of the Declaration of London were only applicable in their full extent to an old-fashioned

* He said, "When the *Springbok* case arose the ports of the Confederate States were effectively blockaded by the naval forces of the United States, though no neutral ports were closed, and a continuous voyage through a neutral port required an all-sea voyage terminating in an attempt to pass the blockading squadron."

blockade with respect to which they were formulated. He declared that the present blockade was highly effective because there never had been a blockade where the ships which slipped through bore so small a proportion to those which were intercepted. He added that the measures taken by the allies were aimed at preventing commodities of any kind from reaching or leaving Germany, and not merely at preventing ships from reaching or leaving German ports. He declared that while commerce from Sweden and Norway reached German ports from the Baltic in the same way that commerce still passed to and from Germany across the land frontiers of adjacent states, that fact did not render the measures taken by the allies against German trade the less justifiable. He said, "If the doctrine of continuous voyage may rightly be applied to goods going to Germany through Rotterdam, on what ground can it be contended that it is not equally applicable to goods with a similar destination passing through some Swedish port and across the Baltic or even through neutral waters only?"³⁵

Admitting the fact that the measures complained of by the United States had been provoked by the alleged illegal conduct of the enemy, it was said that they did not in reality conflict with any general principles of international law.

From the foregoing resumé it will be seen that the governments of United States and Great Britain are far from agreed as to what the law of nations permits a blockading power to do. Which nation has taken the sounder stand? The English view that assumes that the right to establish a blockade embraces the right to render it effective by any process irrespective of its effect upon neutral commerce with a neutral state, does not accord with the principles out of which the practice of nations has developed. It finds no solid support in the practice of the United States during the Civil War and appears to be sharply at variance with the opinion of the Supreme Court of the United States in one case—the *Peterhoff*, arising during that war. It subjects to injustice neutral states which have done no wrong, because it interferes not merely with their commerce in non-contraband articles with belligerent nations (an evil necessarily attendant upon any strictly commercial block-

³⁵ See enclosure in communication of the British Ambassador to the Secretary of State, No. 107, April 24, 1916, File No. 763. 72112.

ade), but also embarrasses unreasonably yet necessarily, legitimate neutral trade between neutral countries. To the United States, therefore, the two great grounds for complaint to which it gives rise are these: first, it restricts the right of America to ship non-contraband goods to the enemies of Great Britain through neutral territory adjacent to them; and secondly, it places an intolerable burden on legitimate neutral commerce between the United States and Scandinavian and other neutral countries.

It is believed that the weakness of the British position will be more obvious if the distinction between the right to capture contraband and the right to establish a blockade is clearly understood. The right to capture the former is due to the nature of the goods that are found, their value to the enemy, as a means of enabling it to prosecute the war, and the probability that their destination is hostile, that is, in the case of absolute contraband (such as guns and munitions of war), the territory of the enemy, and in the case of conditional contraband (such, for example, as food-stuffs), the forces of the enemy, such as its army or navy. The right to establish a blockade is a right to cut off all access to or egress from the ports or coasts of the enemy by a naval movement. In the case of a commercial blockade it is disconnected with any military operation against the place blockaded, and when once established it purports to cut off all trade of every kind therewith. In the practices evolved out of the old blockades even as recent as those of the nineteenth century, the very limitations of naval vessels with respect to their radii of activity, and their own safety when so engaged, made necessary the presence of a blockading fleet in close proximity to the coast blockaded. These facts served to render infrequent and impracticable the attempt to bar access generally to neutral ports. Hence there is lacking evidence of consent of maritime states to the interference with neutral commerce by such measures.

With the vast increase of power now possessed by a fleet, it becomes possible for a belligerent to cut off access to its enemy's coasts at such distance therefrom and by such a process as to form a barrier or screen in front of neutral territory adjacent thereto. It is conceivable that through the exclusive possession of some

weapon or device of great power, a belligerent state might be able from two or three points in mid-ocean to control all traffic between America and the entire coast of Europe. Such assertion of power however described, would not in reality be the establishment of a blockade because it would in no way resemble one. It would rather be indicative of the power to capture. The mere ability of a modern fleet to capture at will throughout the waters of an ocean should be kept distinct in legal contemplation from the maintenance of a blockade and that partly for the reason that the assertion of such power or ability throughout the seas and remote from enemy territory lacks such a relation with the latter that it may be fairly described as a blockade of it. If articles which are not contraband are to be regarded as free from capture on neutral vessels on the high seas, they should not be suddenly subjected to capture because a particular belligerent having supremacy over the ocean declares "this making of the high seas dangerous is our blockade of a distant enemy. We have the power to keep you from entering its ports although you never approach within a thousand miles thereof and although we have no squadron closer thereto." In a word, from the old right of blockade, there is not to be derived a broad right to capture non-contraband on seas remote from enemy territory; for the right of capture must be based on the nature and destination of the cargo involved, while the right of blockade is based on cutting off of all access to the enemy's territory by reason of acts committed by the blockader having some special relation thereto. The neutral can invoke the principle that free ships make free goods with as much reason as the belligerent the principle that while he blockades effectively, he satisfies every duty.

The tremendous ability of a strong maritime state of the present day to make captures at sea encourages belief that it is by virtue of the right of capture of contraband rather than through the establishment of blockades that the respective equities of neutrals and belligerents are to be ascertained and acknowledged. During the present conflict it has become apparent that a belligerent state, such, for example, as England, ought to enjoy a broad right to capture articles destined in fact for the enemy territory and calculated directly to assist the enemy in the prosecution of its campaigns.

The doctrine of continuous voyage as applied by the United States during the Civil War should not be denied a belligerent at the present time, in its attempt to prevent at least absolute contraband from reaching enemy territory. The neutral participant who from a neutral source of supply endeavors to ship to a belligerent state what will be of military assistance to it in prolonging its fight should not be shielded from the consequences of his wrong-doing through the operation of any technical rules of law; and when by virtue of the doctrine of continuous voyage the opposing belligerent is able to thwart his endeavors little complaint should be made in his behalf.

The exercise of this right of capture, as distinct from the right of blockade, calls for general understanding as to what is to be regarded as contraband. Professor John Bassett Moore has suggested that possibly the distinction between conditional and absolute contraband should be abandoned.³⁶

In the note of July 23, 1915,³⁷ Sir Edward Grey, in response to a suggestion that the British action was not supported by written authority, said, "It is the business of writers on international law to formulate existing rules rather than to offer suggestions for their adaptation to altered circumstances." The writer believes that it is the special function of American students of international law to offer suggestions as to the application and adaptation of the rules of international law to the conditions of modern warfare.

It is believed that the solution of the struggle between neutrals and belligerents depends primarily upon respect, on the one hand, for the broadest control by a belligerent over commerce destined for and calculated to aid its enemy, and on the other, for the right of neutral states to trade with each other, and with belligerent

³⁶ See "Contraband of War," Philadelphia, 1912. In this instructive paper read before the American Philosophical Society, Professor Moore expresses opinion that the question of contraband yet remains unsolved, and that upon its solution hangs the fate of neutral rights. From this paper the writer has drawn the inspiration resulting in the conclusions offered.

³⁷ Am. White Book, European War, II, 180.

states in articles not calculated to be of essentially military value. Thus, for example, if all articles coming within the category were deemed contraband, a belligerent should enjoy the broadest right to capture them. It should be able to invoke the doctrine of continuous voyage. It might place a heavy burden on the shipper. It might call for neutral governmental certification of the cargo, its ownership and destination. On the other hand, all articles within the category Y or outside of the category X, should not be subject to capture any under circumstances, save those mentioned below, and whether or not destined in fact for belligerent territory. There should be no inquiry as to ultimate use whether by neutral or belligerent, or whether by civilian or soldier. In a word, the right of capture and conversely immunity from capture, should be made dependent upon the nature of the article and its territorial destination, rather than upon the nature of the destination. If such agreement is had, the law of blockade will right itself. In such event that belligerent right should be confined to besieged places, that is, to cases where neutral traffic with the blockaded port or coast would be an actual military interference with a naval operation; and even in such case the establishment of a blockade should not be permitted to interfere with traffic through neutral territory.²⁸

Thus the hope of securing justice for belligerent and neutral alike appears to rest upon broadening and yet defining the right to capture contraband, and upon limiting and narrowing the right of blockade, upon making hard the way of the neutral transgressor of the law of nations who participates in the struggle by contributing

²⁸ Declares Westlake: "A neutral cannot be touched by a belligerent unless he has in some way identified himself with the enemy. Actual mixing in the hostilities is such an identification, and to relieve a place which is the actual object of attack at the time, whether such attack be conducted only by sea, or by land also, is actually to mix in the hostilities, therefore, blockade in the case of siege is justifiable. To ship a cargo to or from a country with which the shipper is at peace, that cargo being neither contraband nor destined for the supply of a besieged place, is neither an actual mixing in the hostilities, nor in any way an identification of the shipper with the enemy; therefore blockade except in the case of siege is unjustifiable."

his part to the military efficiency of a belligerent, and upon shielding from all interference the neutral whose traffic with or through whatsoever country is deemed to be unrelated to the controversy. If at the next Hague Conference to convene after the close of the present conflict, the United States seeks to convince the world that "the rights of neutrals are as sacred as the rights of belligerents," may not the persuasiveness of its voice and the measure of its influence depend upon the clearness and vigor with which it portrays the rightfulness of the capture of contraband, and the wrongfulness of interference under cover of blockade with commerce that is not contraband.



Samuel Rosenbaum
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ADDRESS OF
SAMUEL ROSENBAUM

JUNE 2, 1916

RULE MAKING POWERS IN THE ENGLISH COURTS.

Although, as the chairman has announced with his usual facility and suavity, I come from a great distance, I ought to say that I feel very much more at home here in Chicago than the fact of my hailing from Philadelphia would seem to indicate, because I have had the pleasure of working very frequently under the auspices of the committee of which Col. MacChesney is one of the most valued and influential members; and I feel, for that reason, that Chicago, if not actually my place of birth, stands in *loco parentis* to me.

I think I can take the liberty of making a confession, and that is, I really know very little about this subject, and I hope you will take any remarks that I make this afternoon on that subject solely as coming from a witness and not from an advocate. So that it is entirely for you to measure the weight with which testimony of that kind is to be given in solving any troubles of local application.

I was sent abroad by the University of Pennsylvania to make a casual study of the English civil procedure. One of the things that struck me most forcibly about that system of procedure was the method by which it grew. Practically all of our American states have a method of regulating civil procedure entirely by legislative enactment; and I was surprised to find that in the English courts, which we had been taught to consider do their business so much more efficiently than ours, the procedure was almost entirely subject to regulation by a committee of judges and practitioners.

The special fields of the law of civil procedure occupied by what we know as the rules of practice strains very severely our pet doctrine of the respect of powers; insofar as rules of civil procedure for judges in coming to just conclusions they are judicial in their nature; insofar as they aid in carrying out the substantive law,

they are executive, and insofar as they are binding upon the conduct of parties and litigants, they are legislative in their nature. So that it seems to me that either from the nature of the function of making rules of practice or from the nature of the governmental authority, legislative, executive or judicial, the function of making rules of practice can not, on theory, be exclusively relegated to any one of the three branches of the government. For the good of all parties concerned that function should better be passed. And the fact that the two great phases on opposite sides of the question show themselves by legal principles developed out of the common law, have adopted such widely different methods of specifying the means by which those principles should be applied to particular districts is enough, in itself, to advocate investigation and interest.

In the English courts there has been created by the Judicature Acts a so-called rule committee of eight judges, four being heads or presiding officers of certain divisions of the Supreme Court, and four judges who are not such presiding officers; and to these eight judges have been added four practitioners, two barristers and two solicitors, the barristers being chosen by the general counsel of the bar and the solicitors being chosen by the general counsel of the Law Society, which is the representative body of the solicitors.

This rule committee has been given complete power and authority by the Judicature Acts to regulate practice, pleading and procedure and all matters pertaining thereto in the Supreme Court of England and of Wales. The committee is not hampered in its consideration of the subjects delegated to its authority by any statutory regulations of any kind. The only limitation upon it is that upon deciding upon any particular change in procedure to be made it must, before actually promulgating such new rule give notice by forty days publications. At the end of forty days the new rule, without any further ado, becomes effective and is clothed with legislative sanction. After that time there are still forty days within which Parliament can veto any rule adopted by the rule committee. But any proceedings that have been taken under the new rule as made, meanwhile, are not affected by any veto imposed by Parliament. So that we have a quasi legislative body of eight judges and

four practitioners to whom has been expressly delegated, by statute, the power to legislate.

It is obvious that such a delegation carries with it many advantages. The first one is the great relief that it gives Parliament or the legislative body in the discussion of merely technical, professional details about which it can not, in the nature of things, have complete and accurate information. The second is that it brings to the attention and consideration of technical, professional problems, not the mind and energies of a well-intentioned but overworked legislature, but of a technical, professional body who, from every-day professional experience are able to bring to the consideration of such problems the knowledge and judgment necessary to solve those problems wisely.

Apart from those technical advantages that one can see are inherent in delegating that quasi legislative function to a professional rather than to a non-professional body, I think it will be interesting to consider the actual experience that England has had with the operation of this rule-making body since it was established in its present form in 1875.

The Judicature Acts were passed and a commission was appointed containing some of the best legal brains of England, to draft a schedule of rules to go into operation as part of that statute, that schedule being intended to unify the diversities in civil procedure which had previously existed on account of the diversity in actual court organization. There had previously been courts of chancery and common law courts, exchequer and king's bench.

That original schedule of 1875 was not to be a complete code of civil procedure, but merely to sift out the diversities in the civil procedure between the several courts. After that schedule had been in operation several years, in 1881, the then Lord Chancellor appointed a commission for the express purpose of considering the operation of the schedule of 1875, and to submit recommendations for a revised code which would cover all new ground and would be in effect as far as possible, a complete code of civil procedure. This committee, which had no statutory authority and no legal authority, and which was appointed by the Lord Chancellor, sat for two years and, with the assistance of the rule committee of

judges finally succeeded in enacting, at the end of two years, the present code of rules of the Supreme Court, the rules of 1883. Those rules cover a tremendously wide field, and I think would be instructive to the American lawyer who realizes how narrow are the powers of the American courts and judges in the regulation of proceedings. It is instructing simply to glance through the volume that contains these rules, though it is extremely bulky and uninviting in appearance.

The rules cover every conceivable step in the course of litigation, from the question of joinder of parties down to the method of appeal and execution, and nothing is left to be regulated by act of the legislature.

After 1883 the rules required frequently to be amended, and no year has passed since 1883 when this rule committee has not met for the purpose of adopting amendments to these rules. Five hundred amendments have been adopted since 1883; and that has been something of a disadvantage, because amendments have been thrust in and inconsistencies have been created and conflicts have arisen by reason of the fact that the amendments have not always been carefully considered with regard to the entire text of the rules, and that must be remedied by the next revision. And there is agitation for some scheme like compulsory revision of the entire code of rules at certain terms of years, like ten, fifteen or twenty years.

It is most interesting to consider the amendments that have been made to the code of 1883, in order to appreciate the solemnity of the powers of the rule committee. I have attempted to make a classification of the amendments made to that code, which is most interesting, I think, to the student of legislative machinery. It contains rules passed by the rule committee with the express purpose of controverting some decisions of a tribunal of law which has tended to deprive a rule of procedure of advantages or benefits which might be received from it.

That is, a certain rule of procedure exists. The rule comes up for interpretation in some particular case before a court; that court is obliged, because of the recognized canons of interpretation, to give that interpretation, which deprives it of a great deal of its value. All that need be done is, not to lobby in a legislature for

years or months to try to get that changed, but the rule committee will have that matter called to its attention: within the next day, or week, it will hold a meeting and pass a rule expressly contradicting the effect of the decision and creating a rule that will meet the difficulty which the decision brought about, and that, of course, is entirely a revolutionary thing from the American point of view, because you have a body of judges and lawyers able to meet without any particular authority, and legislate.

That effect of overruling a decision of the highest tribunal in the empire, even a decision of the House of Lords, can be completely overturned by a meeting of the rule committee and the adoption of a rule by that board. I would like to give you a few interesting examples of that power.

There is a procedure in the English practice which is called the giving of a third-party notice if the defendant in any action claims to be entitled to protection or indemnity from some third person who is not a party to the question.

For instance, a party has a lien on a negotiable instrument, with the assignee of the lien covenanting to pay; all he need do is wait until judgment is gotten against him then bring a separate action against the third party. But he is entitled under the English rules to give the third party a third-party notice setting forth the fact of the suit being brought against him and summoning in that third party to defend the original action so far as his liability runs.

A case of this sort came up. A company was sued for transferring upon its books certain shares of stock without proper authority to transfer them. The company brought in as the third party primarily liable a bank which had sent to the company certificates of transfer apparently properly made. That bank, however, had received those certificates of transfer from a brother of the original owner of the stock. And the bank then proceeded to issue a fourth-party notice to this brother who, it seems, had wrongfully procured the assignment of those certificates of transfer. And the question arose as to whether this third-party procedure could be extended so as to cover a fourth party in a case of that kind. No question seems to have come up in the course of the

trial as to the propriety of extending it in that way, but when the case was over and the fourth party had actually lost, and it was shown that he had wrongfully procured those assignments, the question arose as to whether he could be obliged to pay the costs of the winning party. He said he could not be obliged to pay them, as he was not properly upon the record. The rule committee held a meeting and passed a rule saying that the notice could be extended to fourth, fifth and sixth parties, *ad infinitum*; and he was ultimately obliged to pay the costs of the proceeding.

Another instance of that sort is this: There is a rule in the English practice where an action is brought for the retention of goods, and pecuniary damages, or either of them, if no appearance is entered and involuntary judgment given for the amount claimed then damages must be assessed before final judgment can be entered. A plaintiff brought an action and no appearance was entered. The plaintiff claimed he was entitled to his interlocutory judgment. Because this rule said any action brought for the retention of goods or pecuniary damages or either of them entitled him to assign his judgment. But the defendant came in and upon application for judgment, made the contention that judgment could be good only for the pecuniary damages or for the retention of goods and no other purpose. There again the court was stumped, because obviously the rule was defective in form. It said where damages were for retention of goods and pecuniary damages or either, the judgment should be given. So the court withheld its judgment for several weeks and the rule committee again held a meeting and amended that rule to make it perfectly clear that the judgment would be good even if the pecuniary damages were not in connection with the retention of goods.

And so in a great many instances the rule committee has met principally because of some pending decision, or some decision that tended to impair the benefit of a rule of procedure, and passed a new rule which would prevent the procedural rule from being impaired by such a decision.

It is possible for the rule committee, without any greater authority, to adopt new procedural devices. Very often a solicitor member of the rule committee is approached by solicitors and diffi-

culties which have come up in their practice are mentioned, or barrister members are approached by members of the bar, and they are requested to bring these matters to the rule committee with a view to the adoption of some rule that will remedy the defect. A few instances will be interesting.

A very interesting rule has been adopted that in any case where damages are recovered on behalf of infant plaintiffs in accident cases, the amount of damages recovered should not be paid over to the infant or to his guardian or his attorney, because it has been found in London, as I dare say, in some of our own great centers, that a certain class of lawyers has made a specialty of these accident cases, who do not seem to conform to the highest traditions of the bar. It is not infrequently the case where damages have been paid over to the lawyers of infants in this way, they are either invested in some way not altogether for the benefit solely of the infant, or they disappear in some mysterious way. So the court found it advisable and desirable to make a rule saying that damages recovered in cases of that sort should be paid over for the benefit of the infant, to the public trustee. There is an officer in England called the public trustee, something like our public administrator. The fund is administered by him for the benefit of the infant until he attains majority.

Then, in the matter of new procedure, the rule committee of its own motion passed a rule allowing a court of appeal to have all powers on the hearing of a motion for a new trial in any action that it can exercise upon the hearing of an appeal. So the procedure upon motions for new trials and motions for appeal has been practically consolidated, and there is no difference between them.

When a motion for a new trial is made, instead of the court being bound down simply to the question of whether there should be a new trial or not, it can alter or vary the judgment, or reverse it, just as though it were hearing an appeal.

Then the court has complete power over the question of the time within which various proceedings must be taken. In the matter of appeals, by gradually cutting down the time of appeals. Instead of the old time of one year for the appeal from judgment and

six months from an interlocutory order, appeals must be taken from interlocutory orders within fourteen days and from final judgment in six weeks. This of course you will recognize as conferring of enormous power by informal rules of that sort.

Again, the rule committee has complete power over the functions and work performed by all officers and members of the court.

The committee can begin or end jury trials whenever the state of the docket justifies it.

Judges can be transferred to sit in one division or another, according to the number of judges available for the work. Judges can sit in London or in the country according as the conveniences of the witnesses and the parties demands.

Finally, the rule committee has complete discretion over costs, and it has frequently made very detailed and extensive regulations upon the subject of liability for costs and the amount that must be paid.

In the forty years during the time this rule-making machinery has been in operation, there has never been any complaint about the method of its operation, except, as I say, there has been some desire that after such a long time as has elapsed since 1883, there ought to be some, if not periodic, at least one complete revision in order to iron out inconsistencies.

Another proof of the desirability of transferring power to the courts or to some quasi legislative body of this sort, of both judges and practitioners, is in the fact that it has been copied in practically every one of the many law-making dependencies of the British Empire. In every province of Canada the courts have power to make rules for proceedings. And in three or four of them, particularly in New Foundland and in Ontario, there has been added to the body of the judges a number of practitioners who share with them in this rule-making authority.

In all the courts in Australia the power to make rules has been delegated to the courts.

In all the high courts of the great empire of India the power to make rules of procedure has been delegated to the courts.

In the County Courts the problem is somewhat different; they are more like our Circuit Courts in Illinois, or Common Pleas

Courts in other states, as they are separate courts. The territorial jurisdiction is not over a single county in England, but over what is called a court district, which may not correspond to the boundaries of a county.

Five members of the County Court judiciary have been selected by the Lord Chancellor to sit as a rule committee of the County Courts, and these five members are selected with a view to their experience in both town and country districts, and the County Court rule committee has exclusive power to make rules for the County Courts as established by the Supreme Court.

In criminal matters the rule-making device has been adopted as recently as December of last year. The rule committee has complete power to regulate criminal proceedings, and especially to stipulate what allegations must be made in an indictment for a particular offense, thereby doing away with that time-old scandal of a faulty indictment allowing criminals to go scot-free.

And so I think you will see that for courts of general jurisdiction, over the entire state, or for courts of special or local jurisdiction, for Civil or Criminal Courts, for courts in crowded industrial districts, or in country districts, the ideal method of regulating civil procedure, as shown by the forty years experience in England, is to take away that authority from the legislature, not to deprive them of it, but to relieve them of it, and to confer it upon an expert professional body that only can wield that power efficiently. (Applause.)



William J. Calhoun
of Chicago.

ADDRESS OF

WILLIAM J. CALHOUN

FORMER UNITED STATES MINISTER TO CHINA

JUNE 1, 1916

UNFINISHED DRAFT OF A PAPER ON THE MONROE DOCTRINE.

Much is said these days about the Monroe Doctrine. It seems to be the only aggressive foreign policy to which our country is committed. For long periods nothing is said about it. Then it is suddenly flashed before the public as a living, virile thing, only to fall back again into the silence of the forgotten. It has been the subject of various interpretations and irregular applications. It is questionable how well the American people understand it, or how much they really care about it.

It is accepted by many without investigation. They assume that, for some ill-defined reason, its maintenance is necessary for the protection of our political institutions, and for the expansion of our national influence. Others say that the conditions out of which it originated, or that justified it in its inception, have long since passed away, and that now it is obsolete and ought to be abandoned.

Prof. A. Bushnell Hart, for instance, says, "It is a cult rather than a clearly defined principle." He asks, "Whether it is longer necessary to express the aspirations of the United States in a worn-out formula which no longer has a fixed and vital meaning in our minds." Prof. Usher says it is "our most dangerous possession." He regards it as dangerous because "our statesmen for nearly a century have never agreed at different epochs upon its purpose, nor has there been at any single epoch an overwhelming majority in favor of any single interpretation of its intent." He says: "We seem afraid to define it, afraid to use it, afraid to discard it." He also says that "All its versions but one are obsolete or fallacious, and the single meaning which does possess significance, threatens

aggressive action against other nations of a nature which is not at present expedient or possible for the United States." It is the purpose of this paper to outline briefly its origin and history.

The successful inauguration of the American republic doubtless made a deep impression on European thought. Monarchy was the universal form of government, except, perhaps, in Switzerland. While the idea of democracy had germinated here and there, its development was slow. The success of the American republic no doubt stimulated its activity. The corruption and the resultant weakness of the French monarchy, made France good feeding ground for the new thought. Voltaire, by his derisive and merciless criticism of both church and state, prepared the ground, and Rousseau and the encyclopedists sowed the seed. The harvest was reaped in the French revolution.

The disruptive force displayed in this the most dramatic event in history, and the horrible excesses that attended it, alarmed every king in Europe. But the revolution did not last long. While it did last its fire burned fiercely, but it soon burned out. Out of its flame and smoke the figure of Napoleon arose. He brought monarchy back to France, but he donned the royal robes himself and mounted the throne. If he had been content to rule France alone, he might have been allowed to do so. But his was a restless, ambitious soul. He was possessed of an inordinate ambition to dominate Europe, and consequently all Europe combined against him. When he was finally defeated at Waterloo and irrevocably banished to St. Helena, and Louis XVIII. was returned to the French throne, the kings of Europe were naturally inspired with a feeling of relief, of deep thankfulness.

Among the most active and persistent opponents of Napoleon was the young emperor, Alexander, of Russia. It is said that at this time he was in a deeply religious mood. He believed that Napoleon's defeat was due to the interposition of Divine Providence. In recognition of the obligation thus incurred, he was inspired with a desire to promote the Christian religion and to rule his empire in accordance therewith. To better accomplish this exalted purpose, he induced the emperor of Austria and the king of Prussia to join with him in a league which he called the Holy Alliance.

Subsequently the kings of France, Spain, Naples and Sardinia also joined this league. The prince regent of England did not join, presumably because Lord Castlereagh, who represented England in the conference of the allies at Paris, is said to have written home that the Russian emperor was not sound in mind. It is generally supposed it was this Holy Alliance that alarmed President Monroe and his cabinet, and that inspired the celebrated message wherein was proclaimed what has since been known as the Monroe Doctrine.

For some years prior to the French revolution, Spain was a decadent nation. Her principal revenues were derived from her American colonies. In the disrupted state of Europe incident to the Napoleonic era, she was the victim of revolutions and invasions. Her colonies in South America and Mexico took advantage of her weakened condition, and one after another revolted and declared themselves independent. They severally assumed the republican form of government, and then sought recognition from the United States. The fact that they had declared themselves republics naturally inspired a friendly feeling for them among the people of the United States. Impassioned orators like Henry Clay loudly declaimed, in and out of congress, in favor of their immediate recognition. But Spain was intent on the suppression of these revolutions, and to that end waged a long, although somewhat irregular warfare against these colonies; a war which lasted some ten years or more. At the same time, negotiations were pending between Spain and the United States for the purchase of the former's interests in the Floridas, and the United States did not want to do anything that would interrupt these negotiations or prevent the consummation of this much desired territorial acquisition. Therefore our government for a long time withheld recognition and maintained a strict but discreet neutrality.

It is the generally accepted belief, as heretofore stated, that it was the combination of powers, known as the Holy Alliance, that contemplated assisting Spain to re-establish her authority over her American colonies. In all the state papers, and historical discussions, that I have read, bearing on this subject, this Holy Alliance

is referred to as the combination to which President Monroe's message was directed.

But McMaster in his recent history of the United States says the Holy Alliance had nothing to do with it. That the agreement signed by the members of this league was "in truth a meaningless pledge, framed in a moment of religious excitement," and that there "is no evidence whatever" that "a system of meddling in the affairs of other nations was thereby contemplated." He further says: "That this little society of Christian monarchs should have any interest for us to-day is due solely to the fact that their treaty contained the words 'Holy Alliance.'" That there was wrongfully attributed to this "Alliance" a purpose that originated in an entirely different agreement, made at another time and place, and inspired by different motives.

McMaster says it was some two months after the organization of the Holy Alliance that a quadruple treaty was entered into between England, Russia, Prussia and Austria, to which France afterwards became a party, whereby these powers pledged themselves to forever exclude Napoleon from Europe, to support and maintain the restored French monarchy, to protect their common interests in Europe and to conserve the peace thereof. This agreement was entered into at Paris in the year 1815.

Frequent meetings of the signatory powers were subsequently held in different cities of Europe. One of them was held at Aix-la-Chapelle in September, 1818. It was at this meeting, as McMaster says, that the "Conspiracy of Kings," as he terms it, was formed. It was this conference at Aix, "not the Holy Alliance," that united the sovereigns in a project to jointly regulate European affairs, and that turned them into a mutual association for the insurance of monarchy.

The distinction between the Holy Alliance and this quadruple combination to which McMaster refers is not very material, except it is interesting to note that while England was not a member of the Russian emperor's Holy Alliance, she was a party to what McMaster calls the "Conspiracy of Kings," which subsequently so seriously alarmed President Monroe.

For a time after the Napoleonic era, Europe was infected here

and there with the virus of liberalism, of democracy. Naples was one of these places and Spain was another. In each of them the people wanted constitutional limitations on the powers of the monarchy, while the returned Bourbons insisted upon the old regime. The result in both countries was protracted and irrepressible disorders, approaching active revolutions. That severally presented a condition that gave great concern to this monarchical combination.

Finally a meeting of the allies was held at Laybach in January, 1821. At this meeting, the situation in Naples was the special subject of consideration. A circular was issued that expressed a significant word of warning to the liberal movement generally. In the circular it was stated that thereafter all "useful or necessary changes in the legislature or administration of the state must emanate from the free will, the reflecting and enlightened impulses of those whom God had rendered responsible for power." Inasmuch as the several kings of Europe claimed to rule by "divine right," the point to this warning was obvious. But the Neapolitans still insisted upon a constitution and their turbulence increased. Finally, at the direction of the allies, an Austrian army was sent to Naples and the revolution was suppressed and liberalism was crushed.

Another meeting of the allies was held in October, 1822, at Verona. At this meeting the conditions in Spain was the topic for discussion. In that country the struggles between absolutism and liberalism continued. During the regime of Joseph Bonaparte, a constitution was conceded to the people. When the Bonapartes were expelled and the Bourbons returned, Ferdinand VII. refused to recognize this constitution. And his action provoked a struggle of a revolutionary character. It was this condition of affairs that was the subject of the Verona conference. It was thereby agreed that if certain changes were made in the constitution, consent thereto, as amended, might be given. A demand for these changes was made upon the liberals, and the demand was refused. Thereupon the ministers of the allies left Madrid, and on April 7, 1823, a French army entered Spain. Its purpose was to sustain Ferdinand VII., and to suppress the revolutionary tendencies of the liberals; and, it was understood that if it was necessary that army

would be reinforced by the armies of Russia, Austria and Prussia.

But this movement was not supported by England. Her opposition was not founded on any sympathy with the Spanish liberals. Mr. Canning, the English Secretary of Foreign Affairs, knew that once the French were given a free hand to settle the internal affairs of Spain, and that work was accomplished, the next step would be to move against Spain's American colonies and force them into line.

England's defection from her allies is easily explained. And the explanation illustrates that nations, like individuals, are often controlled, in the formulation of policies, by selfish interests. When Spain was in full possession of her colonies, she had the exclusive control of their foreign trade, from which she derived much needed revenues. When the colonies revolted, they diverted their trade to England. The latter found this trade profitable and it gave promise of still greater profit in the future. If Spain regained control of her colonies, she would naturally resume control of this trade, and England did not want to lose it. In addition, England's traditional hostility to France was aroused. If France restored order in Spain, and then subdued the colonies, she would naturally expect compensation for so important a service, and that compensation could only be made by allotting her a substantial part of the recovered territory. And in all probability that territory would be Mexico, in which France always seemed to have a special interest. And this was a consummation that England did not want realized. She was disposed to interfere to prevent it, if possible.

Under these conditions, England might become involved in a war with both France and Spain, at least, if not with the other allied powers. Therefore Mr. Canning apparently was prompted to look around for some assistance, if it should be needed. Apparently, it occurred to him that the United States might be interested in the subject, and therefore he approached Mr. Rush, the American minister at London, had an interview with him, and doubtless told him a great deal of what was going on, and what might be expected to happen.

On August 20, 1823, Mr. Canning addressed a note to Mr. Rush, which was the beginning of a somewhat extended correspondence between them. In this note he suggested that the United States join with England in a public declaration to the effect that while no impediment should be thrown in the way of Spain to effect an arrangement with her colonies by amicable negotiations, yet her recovery of these colonies by force was regarded as hopeless; that neither England nor the United States aimed at the possession of these colonies for themselves; but they could not see them, or any portion of them, transferred to any other power, with indifference. He further suggested that if any European power cherished a purpose to subjugate these colonies in the name or interest of Spain, or to acquire any portion of their territory for itself, the proposed joint declaration would be an effective method of expressing joint disapprobation.

Three days later, on August 23, 1823, Mr. Canning sent Mr. Rush another note which he designated as confidential, wherein he informed Mr. Rush that he had received notice that as soon as the French succeeded in their mission in Spain, of which they expected a speedy achievement, a conference of the allies would follow on affairs in Spanish America. He said it was needless to point out the complications to which this conference might lead. And this, he said, furnished an additional motive for England and the United States coming to a speedy understanding on the subject mentioned in his former note. By this time, our government had recognized these colonies as republics. On March 8, 1822, the President sent a message to congress wherein he recited the history of the revolutions, and of the protracted but rather fruitless efforts of Spain to suppress them. He expressed the opinion that inasmuch as these colonies had so long maintained their independence, the time had come to recognize them as independent governments. He therefore asked for an appropriation wherewith to send to the new republics accredited ministers. The congress and the country received this message with great enthusiasm. With practical unanimity, congress voted the appropriations. And Mr. Rush in his pending negotiations with Mr. Canning insisted that England should also recognize these republics; but for some reason not dis-

closed, Mr. Canning refused, or evaded making any promise to do so; and for some time thereafter England withheld recognition.

The conditions confronting the United States were thought to be serious. The influences that acted upon President Monroe and his cabinet, at this time, were many and varied. Echoes of the cabinet discussions that occurred are preserved in the journals and diaries of some of its members. In the first place, it was believed that the most pronounced purpose of this European combination was to support the "divine right" of kings and to antagonize democracy. It would support monarchy, whenever and wherever it was attacked, and would crush liberalism wherever it developed. It is said that its ultimate purpose was, as evidenced by a secret treaty, between the powers, to prevent representative governments in Europe, and "to adopt measures to destroy the liberty of the press."

The United States was the single successful exponent of democracy in the world. Its success, its continued existence, made it a menace to absolutism in government wherever it existed. It was believed that the purpose of this European combination in assisting Spain to regain control of her colonies was to restore the power and prestige of the Spanish monarchy, and, at the same time to crush the new-born republics. By so doing, monarchy in Europe would be strengthened, and the influence of democracy seriously impaired. Any movement of that kind could not be regarded otherwise than prejudicial to the interest of the United States. The latter was then a very young nation—less than forty years old—it had hardly passed the experimental stage. If the European combination subjugated Mexico and South America, the temptation to strike at the United States, and crush this citadel of democracy, would be hard to resist.

Another element, although of minor importance, entered into the situation, at this time, which deserves notice. By the Louisiana purchase, the United States secured control of the Mississippi River and extended its western boundary line to the Rocky Mountains. This important achievement is to be credited to the genius, the wise statesmanship, of Thomas Jefferson. He also saw the advisability of acquiring for this territory direct access to the Pacific

Ocean. Apparently it could only be done by the United States having possession of what was known as the Oregon territory. This was a sort of "no man's land." Spain owned California, England owned Canada and Russia had Alaska. The boundaries of these respective provinces had never been determined or agreed upon. Each of them was disposed to extend its boundary lines into this Oregon territory.

As early as 1792 an American named Captain Gray had discovered and named the Columbia River. Jefferson organized the Lewis and Clark expedition and sent it to explore and locate the mouth of the river. Lewis and Clark reported they found no white settlements, no white inhabitants, in the territory. Later on, in 1812, an American fur trading post, called Astoria, was located near the mouth of the river. These facts were subsequently made the basis of a claim to this territory by the United States. It was based, in a technical sense, on the right of discovery, exploration and settlement. It cannot be said, however, that the other nations, who had interest in that part of the world, conceded the claim of the United States. England especially asserted a claim based on facts somewhat similar to those urged by the United States. But in February, 1822, another phase of the situation developed.

The Russian minister at Washington surprised our Secretary of State by giving him a copy of an edict issued by the Russian emperor wherein the latter prescribed that the right to fish, to catch whales, to pursue industries or commerce of any kind, on the northwestern coast, from Behring Straights south to 51 deg. north latitude, was exclusively granted to Russian subjects. This edict extended the jurisdiction of Russia down the coast into this Oregon territory, and was in opposition to the claims of both England and the United States. This matter was afterwards settled by amicable negotiations with Russia. The only purpose in referring to it now is, that this complication with Russia arose at the time that the South American situation was giving President Monroe and his cabinet so much concern, and it suggested one phase of the Monroe Doctrine that was subsequently announced.

During the month of November, 1823, the time of President Monroe and his cabinet was largely taken up with a discussion

of Mr. Canning's proposal to join with England in a declaration in reference to the South American republics. In reading the extended correspondence that passed between Mr. Rush, the American minister at London, and the President and Secretary of State, wherein the negotiations, written and oral, between the minister and Mr. Canning were fully reported, one cannot help being impressed with the profound distrust entertained by Mr. Rush for Mr. Canning, and his equally profound dislike for England. These feelings must have inspired his ability as a negotiator, and undoubtedly gave color to his reports to Washington.

President Monroe, while intelligent, patriotic, and well meaning, was not an aggressive leader. His Secretary of State, John Quincy Adams, was able, aggressive, and courageous. In the counsels of the cabinet, much timidity and apprehension and dissension was manifested. The members other than Mr. Adams indulged in speculations as to what would happen if the allies or any others conquered the Spanish colonies. That these powers were disinterested, aside from their support of the monarchical principle, no one believed. They were reasonably sure to demand compensation for the service rendered, and that compensation could only be satisfied by territorial acquisitions. It is interesting to note the speculations by the cabinet as to what would likely happen in that event. It is important that we take these speculations into consideration if we want to see the situation as they saw it, to see the picture and the colors in which it was painted, that was presented to them, thereby to understand the motives that prompted them to do as they did.

Adams is reported to have said that he did not believe the allies would attack the United States, at least it was not their present intention to do so. But if they succeeded in subduing the Spanish colonies, as they probably would, then they might partition the colonial territories among themselves and recolonize them. In that event, Russia would probably take California, Peru and Chile. France would take Mexico, because for some time past she had been intriguing for the establishment of a monarchy there with a Bourbon prince on the throne. It was also assured that England

would have a share in the spoils, but she might be satisfied with Cuba.

If this partition and division came to pass, then the United States would be surrounded by monarchies. England would have Canada, in the north, and Cuba in the south; Russia would have California in the west; France would have Mexico in the south; and Spain would be re-established in South America. In this way monarchy would encircle our young republic, so to speak, and would prevent its expansion and restrict its influence. Indeed, the encircling lines, at any future time, might be drawn tighter and tighter, and eventually strangle the republic.

In addition, England alone might find it to her interest to oppose the allies in their proposed movement against the colonies, and if she won out, she would take over the control of the colonies herself. And Secretary Adams thought that the situation, from whatever point of view it was observed, was serious. He took the ground that the United States "must act promptly and decisively."

There was, however, some hesitancy about joining with England in Canning's proposed joint declaration. In the first place, there was the much cherished advice of Washington to avoid entangling alliances with any European power; that stood in the way. Mr. Jefferson, in a letter that he wrote the President was decidedly in favor of joining with England. But Mr. Adams wrote Minister Rush a note in which he stated, in a most masterful way, certain objections that seemed sufficient to him to prevent the proposed union. The essence of these objections was that England was a member of the European community and had relations of her own with all the other powers. With European affairs, the United States had nothing to do and did not propose to have. When it came to American affairs, the United States had a direct interest that could not be controlled by, or left to, the disposal of any European power. England's future action might be controlled in one way or another by conditions in Europe, in which the United States had no part, and therefore the latter felt it must protect its own interest, independent of, and without reference to any other power.



Justices of the Supreme Court of Illinois.

INFORMAL DINNER

IN HONOR OF

THE JUSTICES OF THE SUPREME COURT OF ILLINOIS

AT HOTEL LA SALLE, CHICAGO

SATURDAY EVENING, NOVEMBER THE SIXTH

NINETEEN HUNDRED FIFTEEN

INVOCATION.

Reverend Alexander Allison, Jr.

After Dinner

TOASTMASTER

Nathan William MacChesney

President of the Association

"The Bar"Edgar A. Bancroft
"The Trial Court"Judge Clyde E. Stone
"The Supreme Court"Mr. Justice Cooke
"The Illinois State Bar Association"Horace Kent Tenney

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A. L. Anderson	Lincoln
James F. Baume	Galena
Orville F. Berry	Carthage
W. H. Boys	Streator
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Guy R. Williams	Havana
John P. Wilson	Chicago
William B. Wright	Effingham

GUESTS OF HONOR

William M. Farmer, *Chief Justice.*

James H. Cartwright

Orrin N. Carter

Frank K. Dunn

George A. Cooke

Charles C. Craig

Warren W. Duncan

Justices

THE PRESIDENT'S TABLE

The President, Nathan William MacChesney

At the President's right.

Mr. Chief Justice Wm. M. Farmer
 Charles S. Cutting, Esquire
 Mr. Justice Orrin N. Carter
 Horace Kent Tenney, Esquire
 Mr. Justice George A. Cooke
 Hon. Jacob M. Dickinson
 Mr. Justice Warren W. Duncan
 Mitchell D. Follansbee, Esquire
 Hon. Albert Watson
 Mr. Moses E. Greenbaum
 Hon. Harry Olson
 Rev. Mr. Alexander Alison, Jr.
 Hon. Frederick A. Smith
 Prof. Floyd R. Mechem
 Mr. Allen B. Pond
 Theodore K. Long, Esquire
 Edward C. Kramer, Esquire
 Roger Sherman, Esquire
 George H. Wilson, Esquire
 John F. Voigt, Esquire

At the President's left.

Mr. Justice James H. Cartwright
 Edgar A. Bancroft, Esquire
 Mr. Justice Frank K. Dunn
 Hon. Clyde E. Stone
 Mr. Justice Charles C. Craig
 Frederick A. Brown, Esquire
 Hon. Theodore Brentano
 Hon. Patrick J. Lucey
 Mr. Samuel Dauchy
 Hon. William H. McSurely
 Mr. Edward P. Bailey
 Dr. Ernst Freund
 William F. Bundy, Esquire
 Eugene E. Prussing, Esquire
 Edgar B. Tolman, Esquire
 C. M. Clay Buntain, Esquire
 James H. Matheny, Esquire
 Walter M. Provine, Esquire
 Albert D. Early, Esquire

PRESIDENT NATHAN WILLIAM MACCHESNEY: May it please the Court, and Gentlemen of the Bar: I am sure that I but express the sentiment which is nearest to the hearts of all of us tonight when I say that we are delighted that the time has again come around when the Supreme Court of Illinois has consented to be our guests at a Bar dinner. (Applause.)

Some of you may wonder just how we fix the time when the Supreme Court comes up here for these occasions. I am going to tell you the secret. The fact is that it was with great difficulty that we persuaded the Supreme Court to come at all to a dinner to be given by the State Bar Association some years ago when Judge Farmer was Chief Justice of the Supreme Court, but in consideration of his using his influence with his fellow members of the Court to get them to accept our invitation, we agreed that we would only extend the invitation in the years that he was Chief Justice. (Laughter.)

I was very glad personally, that it came around that way now, because, as a Virginian by descent, I regard myself as more or less

attached to southern Illinois where Chief Justice Farmer comes from, and I am glad to talk about some of the early incidents of Illinois history. You will recollect that we were organized as a county of Virginia away back in 1779 and it was not until some time later that Governor Patrick Henry appointed a lawyer the first military governor of this state, John Todd, and in 1809 Illinois was organized as a territory and another lawyer, Ninian Edwards of Kentucky, was made the first governor. He had been, if you remember, a Chief Justice of Kentucky, and came up here with that judicial dignity,—I don't know how the Court would regard that now, I would hardly dare say in the presence of the Chief Justice and others, whether the man was wise or unwise to go from the Chief Justiceship of a Supreme Court, to the governorship of Illinois; however, from the days of Ninian Edwards down to the present time many or most of the governors of both parties, down to and including Governor Deneen and Governor Dunne, have belonged to the profession to which you and I belong, and we are delighted, as members of the bar, to honor those who have been elevated to the bench and who have worthily worn the ermine.

It is with pride, it seems to me, that any Illinois lawyer may contemplate the history of the Bar in this State, and the contribution that the members of our profession have made, not alone in the line of their professional activity but also to the public life of the State of Illinois. And one cannot think of the sacrifices that have been made in the past without realizing that the men who were successful at the bar, when the call came were willing to drop everything and go to the front in the service of their country, if need be. And we think, in that connection, of Baker of Ball's Bluff, and of Bissell, the splendid volunteer who defended the volunteers of this State in the Mexican War against the aspersions of Jefferson Davis, and of the long line of distinguished lawyers who have served the public both at the Bar and on the Bench, and in public office. I do not need to call to your minds some of those great names; there are so many that perhaps it would not be wise to undertake to name them lest we might leave out some particular section, or some particular favorite. But from the time of the very early history of the State down through the time of Abraham

Lincoln to the present hour, Illinois has sent men out who have done their full duty at the Bar as well as upon the Bench.

When I was a lad, just starting out, very young, there was a man who was reputed to be a great orator, who was regarded then as one of the young men of the Bar, and he had the effrontery to say the other day, that he did not like this deference that was paid to him, because "we are pretty much of an age now-a-days." But nevertheless that is not a fact. In fact, judging from the point of view of the things I heard in those early days, I might almost regard the man who has been selected upon this occasion to respond to "The Bar," as a Nestor. Now I know he will not admit that because he still looks young, and he still is young, of course, but we are not going to allow him any longer to claim the advantages of being young and the deference due to age, he has got to choose. But, nevertheless, I want to say that I know of no one who could respond so well for those of us who have been in active practice these years, or so adequately express our sentiments upon this occasion when the Court are here as our guests, as Edgar A. Bancroft, who will respond to the toast. "The Bar." (Applause.)

MR. BANCROFT: Mr. Toastmaster, Justices of the Supreme Court, Ladies and Gentlemen: I am almost sorry that these fraternal meetings of Bench and Bar should have been started, if my age and infirmities are to be thus publicly exposed.

This is a pleasant gathering: It tends to steady the nerves of lawyers against formal appearances before our Supreme Court, for, as in the present instance, it provides an opportunity to address the Judges when there is no client to employ you to address the Court. But it interferes rather seriously with certain rights of the Bar. What must have become, what will have become of those petitions for rehearing, when we have met face to face, and know in familiar fashion, the man who wrote the opinion that has defeated us and compelled the petition for a rehearing? Where will be the righteous indignation, that sense of outrage committed, that flagrant disregard of obvious law, that we have been accustomed to proclaim when we led that last forlorn hope?—if

we are to meet and know and admire and have affection for the men who decide the cases against us?

Let me suggest a pleasant thought and add another to that of Col. Peck, that there are just as many cases won as lost,—given me by a Kentucky brother, that when you appeal to this highest Court you have this advantage, that you approach it with hope, whereas, if the other side appeals you approach it with fear. (Laughter) And yet out of these pleasant associations few, if any, of us can hope to gain that composure I witnessed in a young lawyer upon his first appearance before the Supreme Court of the United States. He was reading a recent opinion and he misread one important word. When one of the Justices called his attention to his mistake, the young lawyer, with a perfect composure, and a smile, said, "Your Honor, seems to be familiar with this opinion, perhaps you wrote it. It is a wise Judge who knows his own opinions."

In this care-free and genial company there is none of the restraint in utterance and manner which is apt to occur in the tensivity of formal discussion before a Court. The wife of one of your members likes to tell this story of her husband. A recently appointed Justice of the Supreme Court, whom we will call Justice Blank, was the guest of the Chicago Bar Association, and this lawyer told his wife with great enthusiasm of the wonderful eloquence, the beautiful voice, the exquisite English of Justice Blank's speech before the Bar Association. A few months later this lawyer appeared before that Court and that Justice; and on his return his wife asked how he fared, if any of the Justices asked any questions, and he answered, "Yes, but especially Mr. Justice Blank, who kept interrupting with his whangey, nasal voice with irrelevant questions." And she replied, "What! Justice Blank, with the beautifully modulated voice and charming eloquence?" And he retorted, "*The very same.*"

But no light word and no light tone can long prevail in a time like this, when human life by human contrivance is being destroyed as it never was by pestilence and famine. When we are asking ourselves, whence this war? When will it end? Where will it end? And when our people are filled with thoughts of prep-

aration. Preparation against what? Preparation against force? Perhaps. But the preparation that is most important to us in this country is a preparation that goes deeper and reaches farther and is more lasting than any preparation of physical power. A preparation that reaches into our thoughts, into our study of the problems of a democracy in a world at war; of our relation to them as lawyers and as judges. Force alone answers force, obviously. And when, in the midst of and in the face of such a struggle, a struggle that is ominous no more from the physical forces that are employed by it than from those dogmas and doctrines of force which find their natural expression and vindication on the wild fields of carnage. And so I wish you would consider with me for just a moment, our relation as lawyers, and the relation of the courts of the United States, to the question of our preparation.

There are those whom we call pacifists who, in the face of the facts that confront us, say that the only thing to do is to avoid that organization, military and naval, which expresses the power of a nation. The difficulty of that course is indicated by that old story of a German, who was sent to bear a message where there was a very fierce looking dog on guard and he suggested that he would like to carry a club. The man who was sending him said, "Oh, that is wholly unnecessary, don't you know that if you look any dog in the eye and speak kindly to him that he wont touch you?" And the messenger answered: "Yes, you know it and I know it, but does the dog know it?"

We should protect ourselves not only against the spread to our shores of this war madness, but also against the infection of those political ideas that scorn moral obligations in the face of national interest or power. We must prepare calmly and thoughtfully to resist both force and the maxims of force. American liberty and our institutions of freedom cannot be preserved merely by providing a military and naval organization capable of resisting any that may be hurled against it. That may become necessary, and, when necessary, will be provided.

But the deeper and sounder and more permanent preparedness is to be achieved by having all of our citizens unified in a com-

mon knowledge of, and devotion to, the fundamental doctrines of liberty under law, equal rights and an established and impartial justice, which inspired and which alone can maintain our Republic.

Before we begin the manual of arms in the public schools, it is more important that we should have in the minds and spirits of the youth of America a knowledge of what America means to mankind, what its purpose in the world is, and of what is fundamental and distinctive in the United States as compared with all other nations that have ever lived.

When our school children have learned these things and appreciate the ideals and devoted patriotism of Washington and Lincoln, they will be ready for military drill, with the certainty that they will never quail in support of a just cause.

We need to be reminded that the founders of this nation did not transfer to the people the absolute power which theretofore belonged to kings. They did not substitute an unlimited popular sovereignty for despotic rule. The framers of our national fabric deliberately substituted for the test of power the test of reason and conscience. They provided in the constitution a supreme law against the law-makers. They gave as a sanction for law, not force; force is but the agency by which law vindicates itself, it is not its sanction in the deeper sense; they gave as the sanction for law the power of reason and the moral consciousness; and they placed in the constitution restrictions that would prevent an all-powerful popular government as much as an all-powerful monarchical government invading those essential rights of individuals. They did not merely substitute the people as the holders of absolute power. That is what the French Revolution did: it merely transferred from the will of a corrupt monarchy to the will of the people an absolute and unlimited power. And the first republic was as oppressive, as despotic and as violative of liberty as the corrupt monarchy which it succeeded.

Who are the guardians of our constitution? The Court. And who are bound by the oath of their profession, to safeguard and uphold at all times that court but the Bar? In a time like this we need a unification of the spirit of America in an appreciation of what America stands for and of the form of government here

erected and here maintained. It is not the substitution of one will for another, it is the removal forever of will and power as the arbiter of human rights and the substitution of reason and conscience under law as that final arbiter. And so the Bar, all these years, since it has first been suggested, has been quick to appreciate how fundamentally false to the spirit and purpose and mission of this country is every attempt to test the action of judges by the will of the majority.

The creation of the framers of this government was not, as is so often said, a division of governmental powers into three divisions; it was the creation of a department which essentially was without power:—the judiciary holds neither purse nor sword—that should stand as perpetual guardian of those essential and fundamental rights of the people against the invasion of the majority, no matter how sweeping, no matter how large.

Arbitrary power is lodged nowhere under the Constitution of the United States. No popular approval can excuse invasions under forms of law of those individual rights which, by Declaration and Constitution, are made inviolable. That it is the mission of the lawyer to learn over and over again. It is the duty of the lawyer to stand fast in the way, to uphold the court's hands as it guards these sacred elements of our government. When, within a year, such a thing has occurred as the lynching of Leo Frank, is there not need for a preparation that goes very deep, and begins nearer than the boundaries of our country? Is there not a duty laid upon the Bar of America to worship as the very soul of this nation the Constitution and the Laws ordained to "establish justice," so that the law shall prevail until by regular methods it has been changed?

Therefore, preparation we need. But the preparation that will hold is the preparation of the spirit, of the intelligence, of the reason, of the conscience, so that if need ever comes, which God grant never may, to resist with physical force aggressions of physical force, there shall be behind every arm a strength and courage that are more than physical. Men say preparation necessarily suggests conflict, and preparation of physical force is but the up-building of a machinery that will lead to the exercise of physical

force. Ah, what controls the use of the powers of the State and of the nation is the spirit and the purpose of the people, and whether it shall be defensive or whether it shall be aggressive will not be found in the machinery of physical force, but in the minds and consciences of the people who are to wield that power.

And, therefore, there is no more patriotic service that any lawyer can do, there is no more patriotic service that any judge can do than to stand fast in the ways for an ordered liberty and for the daily exploitation of those national moral attributes which can alone make America great and keep her free. Maintain the truths that obedience to law is liberty, and the safeguard of law is more in the intelligence and consciences of the people than it can ever be in their physical arms. And the champions of these essential rights, the guardians of them, standing as impartial arbiters of these great questions that concern the powers of the executive and the legislative, precisely as one discovering the right between two private individuals, are our courts,—aloof, apart, arbiters of reason, of judgment and of conscience, as a perpetual substitute in America for the arbitrament of force.

I, therefore, ask you to pledge with me not only this fidelity to the very principle of our calling as upholders of the law, but also that private honor which should be the characteristic of every member of our profession. For we, with the judges, are the keepers and the sealers of moral weights and measures; we, with them, help to weigh in these scales of justice the rights of the citizen. And as we thus perform our duty in peace, every lawyer will as instinctively, if the need ever comes, pledge as well his life, his fortune and his honor in defense of our flag. (Applause.)

PRESIDENT MACCHESNEY: The natural topic to follow that of "The Bar" would be something with reference to the Court. I am rather sorry that the committee in charge saw fit to use the words "Trial" Court. I disclaim any responsibility for that, Judge Stone, I think they might, on an occasion like this, have selected some other word, like *nisi prius*, because there might be a sinister significance, possibly, to the phrase that they have printed upon the programme, however accurate it may be. However, we will not dwell too long upon that phase of it.

The position of Judge is, perhaps, one of the most difficult in all society to fill satisfactorily, because the judge must at once be in close contact with life, having the passions and interests of other men, and at the same time maintain that aloofness from life which enables him to view without prejudice the controversies which come before him. He should know the history of nations and of races in such a way that he may sense the notions of right and wrong that the various people may have who come before him, and the sources of those notions, in order that he may apply in the particular instances correctly the true principles of justice which should guide in every case.

The Judge must be a man, also, of unusual balance, because he should not be so self confident that he is ready to act without proper advice and proper consideration; and neither, on the other hand, should he be so hesitant and so embarrassed in expressing himself that he loses in that degree of efficiency and incisiveness which is necessary for the proper dispatch of judicial business, the same as all other business in life. Justice has been criticised not only sometimes because they say it is slow, but also because they say justice is blind and does not take into consideration all the facts in the case. But, after all, should not justice be blind? Blind to everything save the cause of right and of righteousness, and in order to do that, it must consider the matter independent of the parties, and independent, to a certain extent, of the particular facts of a particular case. The Judge, at once has to decide the law and maintain a certain consistency of principles in a way that will make people feel at least that he has endeavored to render justice, whether he has given satisfaction or not.

I noticed that on the programme also the committee,—it is a good thing to have a committee, you can always blame it if you don't like what they do and take credit, if you do,—have been very careless about the jurisdiction of this court. Governor Ford, when he was holding court was in Chicago and listening to some arguments as to jurisdiction. He said, "Never mind about the jurisdiction of this court, the jurisdiction of this court is co-extensive with rascality, and I will take a chance." Judge Stone, who is going to respond to the toast "The Trial Court," as a

matter of fact, is of the tenth circuit and not of the Peoria County Court, and considering that we are here under the protection of the Supreme Court tonight, why we will run such risk as we may with the jurisdiction. Judge Stone. (Applause.)

JUDGE CLYDE E. STONE: Mr. Toastmaster, Justices of the Supreme Court, Ladies and Gentlemen of the Bar: It has been so recent that I have become a member of the Tenth Judicial Circuit, and that I am no longer Judge of the County Court of Peoria County, that we can be safe in saying that the jurisdiction in this case is concurrent.

I have been wondering for a number of days past why one so young in years and experience should have been selected to respond to this toast. I am still wondering. However, I am about to pass that question from my mind to yours. (Laughter.) I am not sure that if there was to be a change in the expression of this topic, "The Trial Court," but what it had better be changed to the "Try-out Court." It is suggested to my mind, however, that the Committee may have desired to hear me on this occasion talk about matters concerning which I am not especially familiar, and announce divers theories which my future experience will utterly disprove.

It occurs to me that the subject of "The Trial Court" and what it should do, if well treated, might be at least diverting to our guests since their usual business lies in telling us what we should not do. (Laughter.) Speech is said to be the carriage of thought. I am not sure, however, that it follows that a long speech conveys a train of thought. And bearing in mind that in all matters of transportation the terminal facilities are an important factor, I think I ought to say now that a time limit has been set on this effort of mine, and in addition thereto I have secured the privilege of closing within that limit, at any time I may notice any one present who, by dozing, indicates that his judgment had expired. (Laughter.) This seems well, particularly in view of the fact that there are no stimulants here which might be administered to act as a *scire facias* to revive his judgment. (Applause.)

There is one splendid thing in listening to a toast of this character, splendid for the listener if not for the man delivering

it, and that is, that you are not to be held at any time or in any place responsible for what you may think. A judge was holding court at one time, and an Irishman sat in the audience, a man whose mirth and whose voice were considerably larger than his resolution. And at different times he had broken into the proceedings with very unbecoming laughter. After having been warned a time or two and told that if he persisted in it he would be fined for contempt of Court, a final outburst from the gentleman caused him to be called before the Court and fined for contempt. The Judge asked him if there was anything he wanted to say, and he said, "Your Honor, I would like to ask a question." "Surely you may ask a question." "Can a man be fined for tinkin?" "No, a man cannot be fined for thinking." "Then I want to say, your Honor, that I am tinkin you are a damned old bald headed rooster." (Laughter.)

Laws are man-made, justice is an eternal principle which man may apply to human conduct, but which he can neither alter nor create. Unwise laws, the result of an unsettled or susceptible public sentiment there have been and will be again, but those laws which represent the settled and crystalized sentiment of a people mark the advancement of civilization. As a familiar writer has put it, they are the aggregate of the rules which when applied should assure the functioning of society.

Laws are important, but the administration of law is of vastly greater importance. A law unadministered is but so much verbiage. Efficiency in human government lies not in the multiplicity nor fewness of her laws nor in their complexity, nor simplicity but rather in the manner of their administration. Bad laws have been passed by legislatures, and it has even happened that courts of last resort,—outside of Illinois, I may say,—have made bad laws. But the thing which government by law needs fear, is not an occasional bad law. Disrespect for law, which is the essence of anarchy, finds not its growth in an occasional bad law, but rather springs from the bad administration of law. This is not a new problem nor is it characteristic alone of our form of government, though the American citizen may more easily mistake his sovereign power of franchise for a means through which he may,

with the assistance of the sometimes harmful influence of politics, override the law in given cases at his own dictation. Although it may be admitted that want of respect for law is a weakness of representative government, it has been characteristic of and has appeared in all forms of government at all times. But the problem has been, whether it is age-old or not, whether it be the complaint of Aristotle or of the American citizen of today, the result of bad administration of law rather than the want of necessary laws. Erskine said that if the dignity of the law be not sustained, then her sun is set never to be lighted up again. As with all things else, the dignity accorded to the law arises from the respect which it enforces and that in turn most largely depends upon the administration it receives.

The responsibility of this administration rests in various quarters, in my judgment. In a measure it rests upon the people, particularly in a country that is governed by popular franchise. A strong, healthy sentiment for the enforcement of and respect for law deeply emplantd in the education of youth is a strong factor for good government. Likewise executive officers must bear their fair share of responsibility. Is the Bar responsible? In a measure, perhaps. Without indulging a spirit of criticism it may be said that diligence in the interest of clients at times prompts members of the Bar to take advantage of certain laws in order to secure delays which, though in themselves legal, tend to deepen the feeling in the public mind that our administration of law is slow and cumbersome, and at times fails of its purpose. There are those lawyers, though I am very glad to say they are very few in number, whose influence not only makes harmful that administration of law, but also tends to bring law into disrespect. He is the man who seeks to know merely enough law to be able to defeat the law. Francis Bacon holds every man a debtor to his profession, and one debt of the Bar which I fear is sometimes too often left unpaid is its responsibility to root out the man who is willing to use the mantle of his profession to defeat law and justice.

Are the courts responsible? This brings me more particularly to the subject to which I am to respond. I have succeeded in keeping away from it for some time. It is not my purpose to enter

upon a treatise of any subject. I believe that on an occasion of this kind there is one license given to the man on the floor, and that is, to wander about over the subject more or less. Particularly, it is not my purpose to enter upon a treatise or discussion of those questions, perplexing in themselves, which have heretofore arisen before this body, touching the matter of reform in procedure. I will pass that with the hope that certain reforms in procedure will appear and appear speedily.

It has been well said that the department of justice is the most important department in civilized government. That means that every man, rich or poor, strong or weak, shall have his just rights and shall not be allowed to wrong his fellow man. Likewise the judiciary has been likened to a balance wheel, and characterized as the balance wheel of civilization. As a balance wheel, to run true, must be unmolested, so it follows that the judiciary should permit no molestation and no dictation from any source, except that high source of their duty. Prior to 1688 there was no independent judiciary. Courts were instituted and abolished, judges were appointed or removed, at the pleasure of the King. That is not true today,—a fact which brings with it a corresponding responsibility on the court. Chief Justice Marshall, in discussing the far reaching influence of the courts said: "There is no department of the government that comes home in its effect to the fireside of every man, as the department of justice. It passes upon his property, his reputation, his life, his all. I have always felt, from my earliest youth till now that the greatest scourge that an angry Heaven could inflict upon an ungrateful sinning people, was an ignorant or corrupt or dependent judiciary." Those words are just as trite my friends, today, in my judgment, as they were in those days. The ever increasing cares arising out of an ever increasing population, with its ever increasing diversity of interests, present problems new and novel which demand of the courts the highest vigilance and the most unmolested service if justice is to be done. In this the *nisi prius* court has much to do. With the assistance of the Bar, and I take it scarcely without that assistance, much may yet be done and should be done to remove what is known today,—and appropriately known

—as the law's delays, though I am not sure that that evil can be permanently removed without legislation upon laws of procedure. That duty rests upon the Court and upon the Bar. I am sure that members of the Bar, when they feel that the court is in earnest in the matter of expediting the business before it, are willing to lend their assistance to that end.

Happy and unusual is the experience of the trial court where no errors creep into the record. There is, it is true, no mathematical certainty as to much of the law in its application to a given state of facts. But I believe this to be true, that the trial court should at all times have courage to grant new trials as readily if the error occurs on the part of the court as when it arises from any other source, rather than to compel parties litigant to meet the expense and delay of obtaining that right in a court of appeal. Erroneous instructions are sometimes given to the jury, as our guests have no doubt found out in different districts of this state, and the wonder is that they are not more numerous. Usually it is, as you know, during the argument of counsel, at a time when, it is generally conceded by lawyers, if arguments are to be convincing they must be emphatic; that the judge is expected to disengage himself from the thrall of counsel's oratory and within an hour, more or less, pass upon the combined efforts of counsel on either side to secure the most favorable instructions to the jury consistent with his views of the law, these are many times numerous and involved. They represent the theories and sometimes the ingenuity of counsel on both sides; they are, or should be, the result of careful preparation of the case, and appear many times on many phases of it. But they are nevertheless usually dumped on the hands of the judge without opportunity to him of analyzing these most important features of jury trials. Experience has taught that the discussion of the instructions before the court out of the presence of the jury after copies have been served upon counsel, is not only of great assistance to the court, and the logical and proper use of the time of the public, but that it is likewise in the interest of justice and efficient administration of law.

Of all the courts, the trial court comes most closely to the

people. There the people may come and give their testimony in open court; there they may come and see the workings of that branch of the administration of the law, and it is there, very largely that they form their opinion of courts generally, and of the administration of law. The duty resting upon the court, and its officers presents a large responsibility, not only to do everything that can be done to expedite the business before it, but to so administer the law that in its influence upon society it may build up and strengthen that respect for law without which government by law can not exist. (Applause.)

PRESIDENT MACCHESNEY: It was once said by Horace, not the Latin, but Tenney, the Sage of Winnetka, that our professional life consisted of a ceaseless struggle from the court of original error to that of ultimate conjecture. Far be it from me to pass upon the accuracy of that estimate of our professional existence. But this time at least "The Supreme Court" follows "The Trial Court." Judge Farmer says it always does. Sallust said, in discussing the conspiracy of Cataline, that the Romans had suffered a grievous wrong in history as compared with the Greeks; that the Greeks, due to the brilliancy of their writers and their orators, had so exploited their own virtues to the public that they were getting credit largely in excess of that to which they were entitled, whereas, as a matter of fact, the Romans were so absorbed in practical achievement that they got far less than their due. I suppose that is always more or less true, not only of nations but of institutions and individuals. I remember that Prof. Shorey once said that every University had its talking department, he rather thought that probably was found in the department of sociology which did the talking for the University while the other departments were doing the work. Whether that is quite a fair statement or not, it nevertheless is true that oftentimes some people seem to do a great deal of talking about the virtues of life and others seem to be very busy in getting things done. I wonder if that is true about some of the States; some of them seem to be very busy telling of the reforms which they have accomplished, and yet, as you look at the administrative and judicial achievements of our State it seems to me that very much has been done about

which we may well feel proud; that our court perhaps though it may not have always been given large credit by people not familiar with it, has, after all, gone far along the road of progress and has accomplished far more than has been said and written concerning it. And I am sure that not only now, but that at any time we are glad, not merely because officially they are members of the Supreme Court, but because we personally like them, to hear from the members of the court; upon this occasion they have designated as their representative to give us their message, Mr. Justice Cooke. Judge Cooke. (Applause.)

MR. JUSTICE COOKE: Mr. President and Toastmaster, Ladies and Gentlemen of the Bar: I desire first to express to you the deep appreciation that each member of the court feels, Mr. President, at the courtesy and honor you have done us this evening, and I trust that you have received in some measure the same degree of pleasure and profit from this occasion that your guests have experienced.

I learned for the first time this evening, as I glanced at the after dinner programme, that I had been assigned a topic. I presume it is permissible for me to take the liberty that any after dinner speaker is supposed to take, and confine myself to that topic or not, as I choose, and as I had rather cast my thought along other lines, and modesty would forbid my saying the things that I would like to say about my fellow members of the court at least, I will direct my remarks to another subject.

At the present time our nation is passing through an era of restlessness which has gained considerable momentum. It has been caused by a feeling of dissatisfaction on the part of the people with the results and effects produced by the operation of our present system of government. As a result of the agitation it has produced, many demands are being made for governmental changes and reforms. The agitation for change and reform embraces, among others, the judicial department of the State. Many theories have been advanced and much discussion provoked on the question of a change or reform in our practice and procedure. This is particularly true in our own State, and is one of the

questions in which the members of the Bar and of the judiciary are taking a keen interest.

I do not propose to discuss the wisdom or propriety of any change or reform which has been proposed in our governmental system or in the practice and procedure of our courts, but will confine myself to a short general discussion of the propriety of making changes in our system of government and to making a few suggestions which have occurred to me as bearing upon the real cause for such dissatisfaction as may exist because of the results attained from the operation of our system of government, with a view to determining whether or not such results as are deemed unsatisfactory are the fault of the system, or rather the effects of a faulty operation of our scheme of government. It is my purpose to make a few suggestions bearing upon the question whether the many evils commonly complained of are not the result of the short-comings of the citizen himself rather than of defects in our scheme of government.

Such a discussion seems to me to be most appropriate at a gathering of the members of the Bar. While most people seemingly delight in making the lawyer the butt of jokes which place him in a light not at all enviable or complimentary, this attitude really exists only for the purpose of the joke of the moment. In every community it is appreciated that to maintain his position at the Bar the lawyer must be possessed of all that is required in the making of the highest type of citizen. He should be, and is, a leader in his community, no matter along what lines he may apply himself. More than any other class of men, the lawyer is able to mold the sentiment of his community upon public questions. As a result, his influence upon the history of the world has been great, and this influence will continue as long as governments exist. No nation has ever sprung into existence but the hand of the lawyer has been seen in framing its government and shaping its policies. No great war has ever been concluded except by a treaty of peace conceived by the illustrious legal minds of the countries involved. No great captain of industry has been able to accomplish world-renown except by the aid and assistance of members of the legal profession. No great document of State

has ever been produced except at the hand of, or with the collaboration of, the lawyer. His influence upon the affairs of the world is momentous, and his responsibilities must be commensurate therewith. Occupying the position he does in each community, it is the duty of the lawyer to take an active, intelligent interest in all governmental affairs, and, in taking such part as he does in the molding of public opinion, to be well informed and always prepared to trace any given effect to its true cause and act accordingly.

It would be a waste of time for me to enter into any discussion of the events which led to the creation of this nation and to the adoption of our system of government. The men upon whom were placed the responsibility of devising a scheme of government for us saw fit to adopt what we are pleased to call a republican form of government. It is a democracy in the sense that the burden and responsibility of maintaining and operating the government is placed equally upon the shoulders of every individual citizen. In a sense we are a co-operative community, in which every citizen is expected to bear his proportionate share of all governmental burdens. The system was devised upon the theory that each citizen would willingly assume and bear such burden, and its success, so far as beneficial results to be obtained are concerned, depends absolutely upon the unselfish co-operation of every citizen. Being a republican form of government, the theory, of course, is that the majority shall rule upon all questions, and the voice of the majority becomes the rule of conduct, or the law, which shall govern the citizen in all his relations to the government and with his fellow-men.

Realizing from the experiences of governments of this character in the past that it was possible for a majority, in thus exercising their will, to become even more tyrannical than an absolute monarchy, and that therefore the rights of the minority, who are as much entitled to all the benefits of citizenship in the government as the majority, must be protected, a basic law or constitution was agreed upon and adopted. This constitution was designed to state, among others, such essential or fundamental rules as were inherently unchangeable and would serve the neces-

sities of the people of the nation at any time and under any condition. In thus framing the constitution by assembling these fundamental rules, its framers, recognizing that human nature changes but little, if any, from century to century, drew upon the experience of mankind from the time his acts were first recorded, and framed an instrument which was intended to contain only such basic laws as would serve as a rule of conduct under any conditions and through all time.

We have heard much of changed conditions, of progress, of advancement in various lines, that have made our constitution in many particulars a misfit. We have heard the document, or at least portions of it, referred to as antiquated. We have all heard the charge made that we are now compelled to operate under a constitution framed by men who lived at a time and under such circumstances and conditions as to make them unfit to provide for the conditions which exist today. If a proper account was taken by them of all the characteristics of human nature as they had been disclosed from the experience of mankind and the basic law of our nation was properly prepared as a result of that consideration, then it is improbable that any considerable portion of our constitution is antiquated or incapable of serving under any conditions which may exist.

It is not to be presumed that the framers of the constitution were infallible and made no mistakes. Experience may prove that in some particulars they were in error. It is largely a mistaken idea, however, that different times and different conditions demand a different fundamental or basic law for a republican form of government. A fundamental law correctly devised should serve at any time and under any conditions all the necessities of the people of such a nation. When so conceived, it must, of course, be confined to its proper scope.

Some of the States of the Union, in forming their constitutions, have apparently lost sight of the fact that only such rules as are clearly fundamental should be contained therein, and have fallen into the error of including provisions which should be enacted only by statute and which should be capable of being changed from time to time as conditions might warrant and demand. If I am correct,

then, in my theory as to what the fundamental law should consist of, and the functions it should perform, and if this result was achieved by the fathers, there should seldom be occasion to change it, and if the results flowing from the operation of our system of government are unsatisfactory, it is most likely that the cause must be elsewhere than with the system.

As has been said, our system of government is predicated upon the theory that every citizen will cheerfully assume the obligation to bear his proportionate share of the burden of maintaining and operating the government. If, when we are dissatisfied with the effects produced, we will carefully analyze the situation and seek the true cause, we will often find that the results which are displeasing to us are not necessarily due to our system of government. We often fail to carefully trace each effect to its true cause. When results are not satisfactory in the administration of our governmental affairs, it seems to be most natural, unless we stop to analyze the situation, to charge that there is something wrong with the system. Having once reached this conclusion the next natural step is to demand a change. If a careful analysis be made in respect to the various particulars wherein it is charged that our system of government is defective and has proven unsatisfactory, it will usually be found that the effects supposed to have been caused by a defect in the system have been caused in fact by shirking on the part of the citizen and his failure to perform those duties which he owes not only to himself, but to his neighbors and fellow citizens, to perform.

Many of the ways in which we have grown accustomed to shirking our duties as citizens, and thus making the whole scheme of our government go awry, are familiar to us all. In our scheme of government each of us is supposed to bear his proportionate share of the expense of maintaining the government. How often is it true that those who are most able to bear this trifling load seek by every possible means to evade it. In our scheme of government every qualified voter is supposed to attend upon elections and express his views and preferences at the polls. This is the most important duty of the citizen, and upon its faithful and intelligent performance depends, more than upon any other act to be

performed by him, the success of the government and the welfare of the people. Yet, this duty is never fully performed. At what is generally considered the more important elections, it is true, a comparatively large vote is usually polled, but at the elections considered less important but little concern or interest is manifested on the part of a large portion of the electorate.

In our own State, and in each of the other States of the union, the judicial department is made one of the distinct and independent branches of the government, and as lawyers, we consider it of the highest importance. It has always been regarded as important and necessary that the judiciary should be separated as much as possible from politics, and our constitution provides that our judges shall be elected at a time when no other elections are being held. It seems by this provision that the judiciary, instead of being separated from politics, has largely been separated from consideration on the part of the people. It is regarded as extraordinary when fifty per cent of the qualified voters of any district attend upon a judicial election. It is more often the case that the members of the bench are selected at an election where much less than a majority of the voters attend, than otherwise. Yet the member of the majority who absents himself from the polls at a judicial election, and thus declines to assume this burden which it is necessary for every citizen in a democratic form of government to bear, claims the right, without stopping to consider whether he is in any way individually responsible, to criticise the judiciary, to brand as unfit its members, and to condemn the system which permits a condition he dislikes to exist.

In the school district in which I reside, where more than a thousand people are entitled to vote, I have year after year seen the members of the board of education elected by less than a dozen votes. I believe most of you who reside in districts where the members are elected will admit that the same conditions obtain there. What right has any citizen to complain if the school board thus selected does not manage the affairs of the district according to his liking, and what right has he to charge that because the affairs of his district may be mismanaged there is something wrong with

the system? Yet, when things do go wrong, this is the charge most commonly preferred.

An acquaintance recently complained bitterly that there was something wrong with our jury system. He was displeased with a verdict that had been returned in the Circuit Court of his county, and charged that there were on the jury men whom he designated as professional jurymen. It is not the fault of the system if a considerable number of our citizens attempt by every means within their power to evade jury service. Our scheme of government contemplates that each citizen will uncomplainingly take his turn in performing such services. Nor is it the fault of the system if the officers upon whom devolve the duty of supplying jurors under the law do not faithfully perform their duty. If there are such men as professional jurors in any community, it is not the fault of the system, but is the fault of those who would destroy the system by failing to do their part in helping to carry out the scheme of government.

It is a matter of common knowledge that it is only with great difficulty that men are found to fill the petty offices of our cities, towns and villages. These offices, while they may appear insignificant, are each of them an important part in our scheme of government, and it is contemplated that no citizen will shirk when it devolves upon him to take his turn in performing such minor duties as are necessary for the public welfare. If we are too engrossed in our own affairs, too selfishly engaged in attending to our own material welfare to take the part expected of us and to bear the share of the burden that we, as citizens, are expected to bear, we have no right to complain if, as a result, the affairs of our government are not conducted to our liking.

Such illustrations might be multiplied over and over, but it would only be to recount matters of common knowledge to relate them.

Usually the remedy suggested when results are not to our liking is to make some change in the system which will impose added duties and responsibilities upon the citizen who is already shirking, and the question presents itself whether that same citizen who already declines to assume his full share of the burden will co-operate in helping to bring about the desired change by assuming additional duties and burdens.

The question of a new constitution for this State has been seriously agitated for some time, and various changes in our scheme of state government have been proposed. If the time should come when the people will be called upon to adopt a new constitution which shall express the fundamental law of the State, the effects which have been attained under our present scheme of government should be traced logically to their true cause before we attempt to remedy the supposed defects by a new basic law. Laws in themselves are not a panacea, whether they contain a grant of power and privilege or impose restrictions upon the individual. It is only to the extent that we avail ourselves of the grant or comply with the restrictions that law becomes to any degree a panacea.

It would be folly to assert that there are no imperfections in either our national or state constitutions. The framers of neither were infallible. That time has proven some mistakes were made goes without saying. Those instruments were framed, however, with painstaking care by able and earnest men, and the results of their labors should not be lightly thrust aside. We should not be willing to condemn and discard them until after we have brought to bear upon the question the same intelligent thought and consideration that was given them in the making. Before agreeing to any change, we should become convinced that the cause which produces the undesirable effects, in reality resides in those instruments, and is not, as a matter of fact, our own failure to assume all the responsibilities of citizenship. (Applause.)

PRESIDENT MACCHESNEY: Gentlemen, it seems to run through all that we have heard tonight that no country long can continue prosperous and powerful which does not have a virtuous, enlightened and effective citizenship, and that to enjoy the rights and privileges of civil government there must not only be people who will perform their duties, but there must also be a group of men in the community who are in sympathy with the ideals of the nation and capable of furnishing leadership to the people in the preservation of those liberties and in the achievement of their ideals. The Illinois State Bar Association endeavors, so far as possible, to bring together the lawyers of the State and the

members of the judiciary in order that they may formulate the ideals for our profession, help the community outside of the profession to take a forward step in government whenever it seems to be wise to do so, to stimulate the best at the bar, and to help each and all of us achieve the best in ourselves, and I am sure that no one could more appropriately express the ideals of the Association than the former president of it who is to speak to you upon the topic, "The Illinois State Bar Association." I take great pleasure in introducing Mr. Horace K. Tenney. (Applause.)

MR. TENNEY: Mr. President, Ladies and Gentlemen: By the arrangement of this programme I am given the right or the privilege, or at least the opportunity, of making the closing argument. But unfortunately for one of somewhat limited imagination, the programme does not furnish a helpful suggestion as to anything that I should say. I find myself somewhat in the situation that one of my sons was in when, in his early youth, having received a present, there was imposed upon him by the stern exercise of parental authority, the necessity of writing an acknowledgment; and after considerable physical and mental perturbation he succeeded in writing a letter in which he said: "Thanks for the present," and signed his name. (Laughter.) Being told that this was a somewhat curt way of acknowledging a kindness, he added a postscript in which he said: "They say I must say more, but they don't say what I must say." (Laughter.)

Well, I would have been glad for some suggestion, if it only furnished a subject which would be a point of departure. In the absence of that I have to search for such suggestion as is furnished either by what is not in the programme, or by the common methods and practices of such occasions.

It has been said that this is a time of change. The people across the water are trying to change the shapes of their boundaries, and succeeding in changing the shapes of their soldiers; and on this side are various civic associations engaged in the pleasant occupation which Mr. Kent described when he said that the Municipal Voters League was "trying to reform other people without getting too damned good itself." (Laughter.) It would,

therefore, I suppose, be appropriate for me to suggest some kind of a reform for other people to put in practice. And, desiring to depart from the trite subject of reforms in procedure, and other technical matters of that kind, I have a suggestion to make which I hope by its appeal to the chivalrous side of your nature, will receive ready welcome. I propose that, just as the allied hosts of Christendom in former years organized crusades to rescue from the defiling hands of the infidel the birthplace and the tomb of the Son of Man, so now, in our time, the Bar Association organize a crusade to rescue our mother tongue from the hands of the lawyers. For among the lawyers, and only among the lawyers, English is a dead language. (Laughter.)

Now I do not say that as an after dinner pleasantry; I say it in sober earnest, and with the knowledge that if I say a thing like that I may be called upon to substantiate it. And so I address myself to that task with the hope that I may deal with it with the well ordered sobriety of statement which its importance makes desirable.

And, therefore, I begin first with the question of fact. What is a dead language? Well, it is a language which is written and never spoken. It is not a tongue; it is a collection of those signs and symbols which we call letters and words. It lacks the vitalizing, the inspiring, the inspiring characteristic of nature's method of communication from the heart and mind of one man to the heart and mind of another. It is a matter of mechanics and cold formality. The masters of the language, whose recorded work has come down to us and made us love our mother tongue, were those who succeeded in overcoming this chilling and benumbing influence of the printed word, and who could make their pages glow by impressing the living force of their own personality, because they wrote the living language of the men of their time.

Now I do not suggest that it is the business of the lawyer to make pages glow. The point is not that lawyers do not speak good, live English, but that they write dead English, an English that not only is dead, but an English which was never spoken by living men. If I am to put this in a clearer or more forceful way I might say that lawyers, in the preparation of all the documents which they are called upon to prepare, are spending their time as

mere translators. They are always changing the living language of actual things into this dead language, and, with careful attention to the rule of the translator, are using only the idioms of the language into which they translate.

Now perhaps I may make this general and possibly vague statement clearer, and establish my proposition of fact by a few illustrations; and for the truth of those illustrations I feel that I can call all of you as qualified witnesses.

If a man comes to a lawyer and tells him that he has sold goods to another and not received his pay and wants a suit brought to enforce his rights, he may show to the lawyer a written contract evidencing the agreement of sale. That contract may be expressed in two telegrams, one of which, from the seller to the buyer would read: "Offer to sell 1000 tons of pig iron, \$4.30 per ton, delivery thirty days, F. O. B. South Chicago docks, payment thirty days draft against bill of lading." And the other would say, "Accepted." A complete, perfect, enforceable contract sent by one live man, to another live man, over a live wire. (Laughter.) And having read it in the language of the living, the lawyer brings suit, and then he says, "now we will tell the court about it." And so, for the purpose of telling the court about it, he translates it into this language of the dead. And for that purpose he goes into his mausoleum (laughter) and selects from among the solemn ceremonies of the dead, a document already decorated—or mutilated—with seven hundred words, on which he finds inscribed the name "Common Counts." And by a few strokes of the pen he makes this document, by the insertion of a few names and dates, refer to the individual case in which he is retained. And thus he has, by this translation, expanded the simple, plain statement of the contract made between these two live men, into this elongated formal and formidable statement. And the first part of it begins with an averment that the plaintiff has sold to the defendant "goods, wares and merchandise,"—using three words where one would amply suffice, but not using one which describes or suggests the kind of goods which were the subject of the sale. So far as this document is concerned, it might be either pig iron or pigs or potash or pearls. And this he does, not because it is the way he thinks or the way he speaks, but because it is the idiom of

the dead language which he feels bound to employ. And then having made this concealing statement of the facts (laughter); and having worded it in the formal language familiar to the men who knew Westminster Hall when it was a modern building (laughter), he gives rein, as they did, to his fancy, and proceeds to aver that a whole lot of other things took place between these parties; that the plaintiff sold other "goods, wares and merchandise" of different kinds (laughter); that he worked, and worked hard, for the defendant; that he lent him money, and had an accounting with him of various transactions between them: That, in short, between these two innocent bystanders, there had taken place all of the transactions which can occur between men and result in a money liability. And that he does, not by the use of the English language which he uses in his own transactions, or which anybody at any time has ever used in his own transactions, but only because it is the idiom and form of the dead language which he feels bound to employ.

I would not have you think that in giving this evidenciary illustration of the fact which I have stated about the dead language, I am selecting only an example from the realm of the common law procedure. I do not fail to recognize the distinction between law and equity. I know what has been so often said; that "equity is the supplement and complement of the law," "mitigating its hardships," "supplying its deficiencies;" that in the exercise of its jurisdiction it acts with the aid of an enlightened conscience. I know these familiar phrases and have, as you have, the rubber stamps for applying them when needed. (Laughter.)

And, therefore, I may well look to the procedure of this court of conscience to see if, in its procedure and its methods and in its idioms, there is also something of this use of the formalities of ancient times. And I find, not, as a matter of discovery or of recent examination, but as an ancient fact, that when a complainant has stated his case and the defendant has come in and stated with redundant prolixity the facts which constitute his defense, the complainant then is called upon to fulfill the obligation of filing a replication, and he files it. And again while obeying the requirements of conformity to the idioms of the past he, in this instance, also obeys the mandate of a statutory requirement which,

for more than sixty years has imposed its form upon the Bar and the public in this State by the exercise of the power of successive generations of ivory topped legislators. And this replication,—I doubt if any of you have ever read it aloud. I doubt if any of you have ever reversed the process of translation of which I have spoken, and have translated from this idiom of the past into the vocal, the living speech of the present, what it is supposed to say to the court about the case which the court is to decide. And upon the chance that you may never have known what as an expression in the language of the living, for living ears, one of these things which we call a replication is, I will venture to trespass on your time to read it. For this is what it is supposed to say, in the language which we love to call our own, to the courts which were organized for the purpose of hearing the case.

“This repliant, saving and reserving to himself now and at all times hereafter all and all manner of benefit and advantage of exception which may be had or taken to the manifest insufficiencies of the said answer of the said defendant, for replication thereunto says; that he will aver, maintain and prove his bill of complaint to be true, certain and sufficient in the law to be answered unto, and that the answer of the defendant is uncertain, untrue and insufficient to be replied unto by this repliant; without this that any other matter or thing whatsoever in the said answer contained, material or effectual in the law to be replied unto, and not herein and hereby well and sufficiently replied unto, confessed, avoided, traversed or denied, is true. All of which matters and things this repliant is ready to aver, maintain and prove as this honorable court shall direct, and humbly prays, as in and by his said bill he has already prayed.” (Laughter.)

Gentlemen, can you beat it? Can the mumbled mutterings of idiocy equal it? A statement of something upon which a court is to act in administering justice between live men! Why is it used? Because it is an idiom of a dead language.

I will give you one other illustration and then I will close my proofs; and now I will depart from the method of statement of pleadings.

If a lawyer were called upon to prepare a contract for the

parties who explained to him that they had made the simple and direct agreement evidenced by the telegrams which I mentioned to you, and they told him those terms and asked him to draw a written contract, would he in drawing it use the simple, complete, effectual phraseology of those telegrams, or would he do something very, very different? He would advise his client that that phraseology if used by the client himself, was all that was needed to make the contract; but with the dead hand of tradition stretching out and controlling his intellect, when he went to writing himself, he would write a contract that would be nearly as long as the common counts, though probably somewhat less diffuse in statement.

Now, gentlemen, is it necessary that we should maintain this sort of dual, dead and alive, Jekyll and Hyde, existence for our language? It is worthy of some better use and some better treatment? Worthy? Why, you cannot read it in the words of those who wrote the living thought of living men; you cannot speak it, you cannot hear it, without hearing throughout every part of it the tongues of all the men and all the nations who gave their better part to create it, and to create the men who now use it as their familiar speech. Is it worthy of a crusade on our part to obliterate this dead language, and make our language speak only as living men speak to each other? Is that crusade worthy of our effort? If so, the effort necessary to make it successful is simple indeed. We do not need to go to foreign lands with sword in hand and cross on shoulder; we need only, when we take our pen in hand, write the words with which men who are alive "speak with naked hearts together," to other men who also are alive. (Applause.)

PRESIDENT MACCHESNEY: Gentlemen of the Bar, I know that as we close this most delightful evening with the court, that I again express the opinion of my brethren of the Bar, and their heartfelt sentiment, that we are glad to have had the court with us tonight. We hope that they have enjoyed it as much as we have, and that the next time the invitation is extended they will accept it as they have done this time. Gentlemen, the meeting is adjourned. (Applause.)

DINNER

GIVEN BY THE

ILLINOIS STATE BAR ASSOCIATION

IN HONOR OF

ASSOCIATION OF AMERICAN LAW SCHOOLS

DECEMBER 29TH, 1915

INVOCATION.

Reverend Bishop William F. McDowell.

After Dinner

TOASTMASTER,

Nathan William MacChesney
President of the Association.

Welcome.....	Charles. S. Cutting <i>President, Chicago Bar Association</i>
Response.....	Dean H. S. Richards <i>President, Association of American Law Schools</i>
"Ideas of a Law School Faculty".....	William Draper Lewis <i>University of Pennsylvania Law School</i>
Address.....	W. R. Vance <i>Dean, University of Minnesota Law School</i>
"The Welter of Decisions".....	Edward H. Warren <i>Harvard University Law School</i>
Address.....	Frederic C. Woodward <i>Dean, Leland Stanford Law School</i>

GUESTS OF HONOR.

The Deans and Professors of Law Attending the Fifteenth Annual Meeting of the Association of American Law Schools.

THE PRESIDENT'S TABLE.

The President, Nathan William MacChesney.

At the President's right.
 Dean H. S. Richards
 Honorable Orrin N. Carter
 Bishop Wm. F. McDowell
 Professor Edward H. Warren
 Charles S. Cutting, Esquire
 Roger Sherman, Esquire
 Dean Henry M. Bates
 Edgar B. Tolman, Esquire
 Professor W. W. Cook
 Mr. John W. O'Leary
 President Abram W. Harris
 Mr. James A. Patten
 Rush C. Butler, Esquire
 Honorable Oscar H. Wylie
 Mr. Martin A. Ryerson
 President John B. Furay
 Professor Underhill Moore
 Honorable Maclay Hoyne
 John F. Voigt, Esquire

At the President's left.
 Professor William Draper Lewis
 Walter M. Provine, Esquire
 Dean W. R. Vance
 Frederick A. Brown, Esquire
 Dean Frederic C. Woodward
 C. M. Clay Buntain, Esquire
 Dean Harlan F. Stone
 Albert D. Early, Esquire
 Dean D. O. McGovney
 George H. Wilson, Esquire
 Mr. John D. Shoop
 Wallace Heckman, Esquire
 Mr. Jacob M. Loeb
 Mr. Herbert Harley
 Professor Geo. P. Costigan, Jr.
 Honorable Albert C. Barnes
 Mr. L. W. Messer
 Honorable Thomas Taylor, Jr.
 Mr. A. Sheldon Clark.

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Washburn College School of Law.....	Topeka, Kan.
Western Reserve University; Franklin T. Backus Law School....	Cleveland, Ohio
Yale University Law School.....	New Haven, Conn.

RECEPTION COMMITTEE.

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Edmund Burke.....	Springfield
Louis H. Burrell.....	Freeport

Louis A. Busch.....	Urbana
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William T. Church.....	Aledo
Walter W. Cook.....	Chicago
George P. Costigan, Jr.....	Chicago
Frederic B. Crossley.....	Chicago
Ralph J. Dady.....	Waukegan
Jesse L. Deck.....	Decatur
Edward H. Decker.....	Urbana
William C. DeWolf.....	Belvidere
M. J. Dillon.....	Galena
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Dean Franklin.....	Macomb
Ernst Freund.....	Chicago
Henry C. Fuller.....	Peoria
Ira C. Gibbons.....	Princeton
Louis M. Greeley.....	Chicago
Frederick Green.....	Urbana
William G. Hale.....	Urbana
James Parker Hall.....	Chicago
Charles H. Hamill.....	Chicago
Oliver A. Harker.....	Urbana
John B. Hayes.....	Rochelle
Henry Hershey.....	Taylorville
G. A. Hickman.....	Benton
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Charles G. Vernier.....	Urbana
Russell Whitman.....	Chicago
George S. Wiley.....	Ottawa
John H. Wigmore.....	Chicago
Guy R. Williams.....	Havana
Fred G. Wolfe.....	Quincy

PRESIDENT NATHAN WILLIAM MACCHESNEY: The enjoyment of the occasion having proceeded far enough, we will now have to get down to business. (Laughter.) I do not need to say, as representing you, my brethren of the Illinois Bar, that we are delighted to be able to have a dinner upon this occasion in honor of the Deans and Professors of Law of the great American university law schools, for from these men or men like them many of us have drawn our inspiration and much that we know of the law, and continue to get that part of the law which we use sometimes to persuade the court it is wrong. Neither do I need to say that it is a happy occasion which brings us together as co-workers in a common field, endeavoring each to assist the other by advancing the sum of human knowledge in the field of legal education and applying it in such a way as to reflect credit upon those who conceived the ideas.

In trying to select some one who should respond on behalf of the Chicago Bar, who should give welcome to our guests and tell them that we appreciate their presence with us, it happened that we chose the man we did, not alone because he happened to be President of the Chicago Bar Association. That was a mere incident. I will explain by misusing a story which one of the Sen-

ators of Illinois tells about the old colored man who spoke to his master and said:

"Boss, is there such a word as supererogation?"

"Yes."

"Really such a word?"

"Yes. Would you like to know what it means?"

"O, no, sir; I will find a place to use it all right." (Laughter and applause.)

So we can always find a place to use Judge Cutting, but no place where he fits quite so well as one like this, because Judge Cutting fulfills in his own proper person—I do not need to tell the Bar this—some of the reforms for which the law school men are contending, for he accomplished, when he was a judge upon our bench here two things; he brought about a non-partisan judiciary, for it was regarded as foolish to run against him; and at the same time he brought about such efficiency in the administration of justice that it served as an example as to what might be done. So it seems to me that it is clearly fitting that the President of the Chicago Bar at this time should be a man who has done so much in his actual work among us to carry out the ideals which you, our guests, endeavor to instill into the hearts and minds of your students. I take pleasure in presenting Judge Charles S. Cutting, who will respond on behalf of the Chicago Bar. (Applause.)

JUDGE CHARLES S. CUTTING: Mr. President, Ladies and Gentlemen: I want to tell you the real reason, after that introduction, why I was selected to welcome the Professors of the law schools of this country,—in order that I might express, in all the superlatives which I could command, my respect for these gentlemen. That some one, at least, should do that, it was thought best to select a man to reply who had never been to a law school. (Laughter.)

I can remember, years ago, when I began to practice as well as to preach, my partner was a graduate of a law school. My present partners are. I was not then and I have not been since. Young men coming to the office were always told by my law school

partners to get their education in a law office, and I always advised them to go to the law schools. (Laughter and applause.)

I need not say, gentlemen, after this introduction, that I have long worshiped your ideals from afar. I have wondered whether they were as bright as they seemed to me. But I do not wish to be disabused of my conception of them, if I should happen to be wrong about it, because I have always looked upon the law schools of the country as the repository of the real ideals of the profession.

We who are in the active practice know more or less about what you are doing, not from direct contact, but because of the constant stream of young men passing through our offices, those who have gone on, those who are there, those who are on the way, reflecting the sort of thing which you teach. Therefore, we know you, most of the time favorably, occasionally not. I saw a young man who had just, figuratively speaking, as you may say, come in with the dust and grime of a contested law suit upon his classic brow, and he remarked, as he threw down some of the books which he carried, "I wish that Prof. Blank could have been there and had some of the nonsense knocked out of him by Judge Blank." (Laughter.) And so a law school professor told me that he wished that some of them could be engaged every once in a while, for a year or at least six months, in the actual trial of law suits, just to see how it would go to have somebody talk back who knew something. (Laughter.)

So you see I am indulging in something which I ought not to, inasmuch as, perhaps, I am lecturing just a little bit. That wasn't the object of my standing here.

Everybody is welcome to the City of Chicago. If there is one thing more than another that is always present in Chicago, it is a welcome to all mankind. And we of the Bar give cordially a welcome to these gentlemen who have done so much, who have won for themselves a place, as it were a special and peculiar place in the profession, that is, teachers of the law; and we who had the benefit of your ministrations, those of us who only see you at a distance, we who only know you by the work you do and by the product of your institutions, feel doubly grateful for that

which you have accomplished. We know the vast difference between the output of today of the young lawyer and what he was thirty years ago.

So Chicago, with its characteristic generosity, welcomes you, as it welcomes everybody else. We like to see you. We are glad to make your acquaintance. We hope you will persevere in the splendid work that you are doing, and that one of these days most of you will get time to try a law suit or two, and so satisfy your fellow men. (Applause.)

PRESIDENT MACCHESNEY: Judge Cutting's statement that we welcome our guests just as we welcome every one else, reminds me of a recent statement I saw with reference to critics; that the critic praises that which every one else has praised and so is perfectly safe in praising that which does not harm him, but helps his reputation. And so, of course, we have taken pleasure in telling about you men and calling attention to the fact that you are here among us, not because people did not know it any way, but because it is a perfectly safe thing to commend men of established reputation, and we took no risks. We but follow the universities in their bestowal of honorary degrees, not upon men who need them, or would be helped by them, but to help establish their own claim to good judgment. (Laughter.)

I am sure that we are all delighted that the Association has met here at this time and, as Judge Cutting has said, we always feel under deep obligation to the men who have contributed to our common professional life. And no one could respond, I am sure, on behalf of the teachers of law of this country, better than their chosen head, President Richards, of the Association of American Law Schools, the Dean of Wisconsin. (Applause.)

DEAN H. S. RICHARDS: Mr. President, and Gentlemen of the Illinois Bar Association, and of the Association of American Law Schools: My one regret is that I have not the eloquence of Judge Cutting so that I might respond in kind to his very flattering address of welcome. I can assure him, however, that I will not do anything tonight to disabuse his mind of the flattering opinion he has of the teaching profession. I shall not explain the mysteries of our craft.

Your Toastmaster I have known for many years, have always regarded him as a most estimable gentleman, but my ideas of him were rather upset not long ago by receiving a letter in which he said that he proposed to have a dinner here this evening, and saying that he was in correspondence with some of the good speakers and had not heard from them, but he was going to call on me any way. (Laughter.) It did not make any difference whether I was willing or not.

Now I discovered that the Toastmaster is a son of Mars, as well as a son of the law, and I concluded that this preparedness programme was getting on his nerves probably, and he was resorting to military methods rather than legal methods. There was no opportunity to show cause, simply an order to appear, and here I am; and my preparation, I suppose is characteristic of the Peace Party, I believe in preparedness, but I haven't made any. (Laughter and applause.)

The peremptory manner of your Toastmaster is explained, and it mollified me when I remembered that men in my position are a part of the stage setting, part of the ceremonial on occasions of this kind. You are taken as a matter of course. Some one has to make an ex-officio speech, and I am merely giving respectability to this meeting, (laughter) and paving the way for the unlicensed speakers who are to follow me. (Laughter.)

Now I have been making ex-officio speeches for about fourteen years, by virtue of the position I hold up in the neighboring state of Wisconsin, and I have learned to attune my utterances to the expectation of the audience and the demands of the custom. The audience does not expect much of an ex-officio speaker, except as sort of a curtain raiser. I have often thought I would like to have an opportunity to make a speech without it being of the ex-officio variety, but I do not know that I would succeed, any better than I will in this effort. (Laughter.)

I am somewhat in the position of the darkey, probably a relative of the one Col. MacChesney was speaking about, who was up for stealing chickens, and his father was in court, he had been in before the same Judge half a dozen times, and the Judge appealed to the father and he said:

"Look here, Sam, what is the matter with this boy, this is the fifth time he has been in here; can't you talk to him?"

"Yes, sir. I talked to him and talked to him, but 'pears like that boy is just nachully awkward." (Laughter.)

I recently heard a geologist, and he was not from Chicago, either, lecturing on the subject of contours in the vicinity of Chicago, and he advanced the idea that nature, eons ago, had so manipulated the outlying real estate as to make Chicago the natural center, industrial, social and artistic, of the United States. And as I listened to him, as he explained at considerable length his views, I thought it was another example of the tendency of the academic mind to circumlocution because I knew there wasn't a person in Chicago that didn't know that already. (Laughter.)

Some question has arisen as to why we met in Chicago. That question has not arisen in the minds of any one in Chicago, I suppose, but the question has been asked by some of the members who came here from New York to this meeting (laughter), and the answer I gave and I think it was perfectly satisfactory, is the geological reason, that Chicago was intended by nature to be the center of the United States, and we naturally gravitate to that center. Unlike the American Bar Association which vainly tries to strain against nature in trying to put Chattanooga, Salt Lake City and Saginaw on the map, we frankly accept the situation and come to Chicago. (Laughter and applause.)

Now there is another reason, if it is necessary to have any more reasons, why we are in Chicago, and that is, Chicago is the center of the legal education of the United States. Another confirmation of the geologist. That is, there are more law schools to the square mile or square inch, or any other measurement in Chicago and the territory adjacent thereto, than in any other section of the country. (Laughter.) New York and its environs are a bad second. I give you this information for your pride or your humiliation, depending on your point of view. (Laughter.)

Those of us who are in the mysteries of law teaching, teaching that law which is known not on land or sea, according to one of the speakers at our meeting this afternoon, frankly admit

among ourselves, although our advertising matter does not always contain it, that we do not make lawyers. All we can do is to give the young man who is reasonably energetic some general notion of the relation of the various principles of law, the unity of law, and a pretty thorough drilling in legal reasoning and analysis. We can preach to him all we please about the art of practice and attempt to teach him practice; we may read the Canons of Legal Ethics to him and tell him what his duties are as a lawyer, but I fancy that makes little or no impression on him, because when he comes to the bar he is going to do the things that he sees men, his elders, doing, and doing without apparently forfeiting the respect, of the community, and with financial success. In other words, he wants to get on, naturally, as any one wants to, and he is going to do the things to get on which he finds the bar doing. And so it seems to me that the law schools are not in a position to inculcate moral ideas, or to teach, to any great extent, the art of practice. We can preach to the students all we please about legal ethics, and they say, of course, that is your job, that is what you are here for, to tell us those things, just as the minister tells us to act morally. And our words fall even more lightly than the minister's. (Laughter.)

Notwithstanding the fact that legal education has advanced wonderfully in the last few years, we still have a humiliating confession to make: That the legal profession is the easiest profession to enter. Even the requirements for the practice of veterinary science are higher than those for the law in most states. And the law schools and the law students have increased in the last fifteen or twenty years at an astonishing rate compared with the other professions. The medical profession has succeeded, and how they have done it is a matter of great interest to the law teachers and ought to be to the legal profession, in actually cutting down the number of medical students and the number of medical schools so that they have lost from thirty-three to thirty-five per cent in the last fifteen years, while the law schools have gained seventy-five per cent.

You lawyers in the great cities like Chicago and New York know that one of the great problems that you have to face is the

fight against dishonesty in the profession itself, unprofessional conduct; and where you have a great number of men at the bar and a limited amount of business, men who must make a living and must do something to get along, you are going to find this difficulty. It seems to me that the teaching profession is interested in keeping up standards, as well as you, and if we can combine our efforts, if the bar will stand back of the law schools that are attempting to advance standards, we can hope to aid in this solution of the question that come to grievance committees of your Bar associations. The law teachers have never been known to take the ground that they could make a wise man out of a fool, or make a knave into an honest man. Of course all colleges are fond of pointing with pride to their successful alumni. If a man succeeds, they say, "Look and see what we have done;" if he fails they say, "What can you expect?" (Laughter.)

No one claims that education can give ability where none exists, or make a rogue an honest man, but we must recognize that one of the greatest saving forces in education are its inhibitions. An educated man has a better sense of values. His education is a drag against dishonesty.

Speaking *ex-officio*, and speaking on my own account, I wish to assure you of our appreciation at being privileged to attend this dinner. It is an augury to me and to the members of the law school associates of a sense of unity between the teachers of law and the practitioners of law, and we both have very responsible and very difficult duties to perform in the work of making the bar of America worthy of the respect and honor which it has had in the past and which we hope it will have in the future in an increasing amount. I thank you. (Applause.)

PRESIDENT MACCHESNEY: I have no idea what the next speaker expects to say, under his topic, and I am not quite sure just what the topic means. Does it mean the ideas that the law school faculty may have? I should think it would be a very brave man who would undertake to speak for a law school faculty; it is a good deal like trying to speak for the members of an orchestra, they are somewhat temperamental at times: Or perhaps he means to talk about the ideas that the rest of us have about a law

school faculty. It has always seemed to me that they are in a very important field, perhaps the most fruitful field of all, that of teaching the law, without which nothing else is worth while, because, after all, that which cannot be enforced hardly exists. At least in a very important field the law school teacher has a chance to do that which Herbert Spencer said was the highest ambition of the beneficent, to contribute in some degree, even though to an utterly inappreciable and unknown degree to the making of man. And so I assume that whatever these ideas may be that Dean Lewis may wish to bring to us, that our idea is that he and his colleagues are doing a very important work, and I take great pleasure in introducing to you a man who is not alone a legal educator, but one of the leading public men of Pennsylvania, my old-time friend and associate, Dean William Draper Lewis, of Pennsylvania. (Applause.)

DEAN WILLIAM DRAPER LEWIS: Mr. President, Ladies and Gentlemen: Your Toastmaster has said that he has some difficulty in understanding what any one could say under the announcement which is opposite my name. I have a fellow feeling with him. I have a good deal of difficulty, myself.

Some twenty years ago I was asked to give up the active practice of the law,—and I want the Chairman to note the emphasis on the word “active”—to become professor of law and Dean of the Law School of the University of Pennsylvania. My active practice consisted of two parts; the first was a varied assortment of clients, mostly foreigners, who had the peculiar and not, to a lawyer, wholly objectionable habit of falling off of trolley cars and getting serious internal injuries that were not visible to the naked eye. (Laughter and applause.) There was also a select assortment of murderers. These, however, did not count very much in the way of fees, because I do not remember any one of them every bringing me another case after the verdict of the jury. (Laughter and applause.) The second half of my practice consisted in hopes of clients to come. These were not usually natural persons, but unnatural legal entities in corporation form. The second part of my practice, I want you to notice, was very much larger than the first. Now the fact that a comparatively young

man, with a practice that has been described, was asked to give it up and devote his whole time to the teaching of law, was significant of more things than one. In the first place, it was significant of the fact that the Bar in Pennsylvania, as the Bar in other parts of the country at that time, had about made up its mind that the law school student needed something more out of the law school than a place which he could drop into about five o'clock in the afternoon to listen to law lectures, or sleep through them, as the atmosphere of the room or his own mood indicated. The profession was beginning to realize that the university law schools at least owed it to the law school student that there was some one else permanently on the job besides the gentleman who cleaned out the spittoons and was euphoniously called the janitor.

The fact that a young man of my very vast experience at that time, and scientific knowledge of the law represented by a short essay on Constitutional Law, was selected for the position of Dean and Law Professor devoting his time to the teaching of law, was indicative, I think, of either one of two things; either the trustees of the University had not a very exalted idea of the job that they were electing me to, or they could not get any one of standing at the Bar or on the bench to take the position. As a matter of fact, I think both those things contributed to my selection.

The attitude of the Bar at that time, which was in the nineties of the last century towards the law teaching profession was well represented by one of my friends, a member of the Bar, who loved the active practice of it, and who had known me from boyhood. He said: "Lewis, don't you take that position; you don't know a great deal of law, but you have got some little reputation for trying cases and knowledge of the law and clients will come in time; you have taken an interest in ward politics and you are known in your ward, and if you take that position out there at the University you will never have a chance to go on in politics again or take any part in real life; you will become a mummy, that is what you will become, and your life will be ruined." (Laughter.)

Now my good friend has passed, a long time since, to that

place which is sometimes described to us as a sort of infinitude, if I may use that word, Mr. Chairman, of mummified bliss of the kind which his hustling soul abhorred, and yet I do not think he changed his opinion. I know that for several years after I was elected my old associates of the Bar, when they saw me, used to impress upon me the great sacrifice I had made in giving up the life that they were enjoying.

The attitude of the Bar towards the law school teacher, who is teaching and nothing else, practically, affected the attitude of the student towards us as teachers in our work. It took several years for my students to get over the idea that I was not doing the real thing as the other members of the faculty were doing. You see they never read on the Bulletin Board: Prof. Lewis will not meet his class today, because he is engaged in court.

Now this attitude towards the teacher of law who is not in active practice, not only affects the attitude of the student and hampers the development of the school, but as long as it persists, and in as far as it today persists, prevents the upbuilding of a really great school of law. Where it exists it is practically impossible to get any young man of real ability who has any chance to get along at the Bar to take a position as a law school teacher. A young man with any blood in his veins wants to take up a line of life which is "real life," and wants to come into contact with men. The attitude that I have described, of the Bar of the nineties, made the upbuilding of great schools of law in this country impossible.

Now so much for the attitude of the Bar towards the teachers of law, or at least that portion of them which are devoting their entire time to the teaching of law. How about our attitude towards ourselves?

I believe my attitude at the time I took the position, was typical of the attitude of others who at that time withdrew from practice to take up teaching. As most young men of the period, I had been well taught at college and badly taught at the law school. That was not the fault of the members of the law school faculty, it was because the Trustees of the University had asked them to give a part of their time only to the school, and overbur-

dened as they were with other work they could not do the job which they were asked to do well. I thought that the law could be well taught, just as well taught as calculus or history or anything else, provided the teacher would give all of his time and not a tired fraction of his time to his work. I believed that if I could do something more than they did, know not only something about the law, but know thoroughly some one corner of the law and teach that corner, that I would find it supremely fascinating, and I have done so. If I were asked at that time to draw a picture of a good law professor I think, in common with most Deans of the period I would have filled in the outline with a good legal historian.

Now I think that you will note by that my idea towards the job that I was going to undertake was not essentially different from the idea of the members of the Bar in the nineties. The only difference between us was, not in what I was going to do, but whether, what I was going to do was worth while.

I do not think that any of you will doubt that a law school should be a place of legal research. I do not think you will doubt that a man teaches better if he knows the history of the subject that he teaches. At the same time, the conception of a law school faculty as a board of learned historians who happened to have studied law is fundamentally wrong. I believe it is fundamental that the faculty of a professional school, whether that professional school is of engineering or medicine or law, must stand for constructive professional work which the world wants done.

The reason why the faculties of the modern law schools of standing in the United States are looked at today by the part of the Bar that counts, differently than we were looked at in the nineties is because we have discovered and you have discovered that the man who teaches law and devotes his life to that job can do certain kinds of constructive professional work better, as a class, than the work can be done by the practitioner or the judge. Let me use but a single example. In 1890, I think it was, the members of the American Bar Association interested themselves in starting a movement which has resulted in the Commission on Uniform State Laws. That body came into existence in response to a pressure to express in clear

and unified form, as far as the different states were concerned, our commercial law. Their first act was a Uniform Negotiable Instruments Act. I think I am correct in saying that no member of the Commission at that time, certainly no member of their Committee on Commercial Law that had the act in charge, or their draftsman, was a teacher of law devoting his time to his work and therefore not in active practice. Now the severe and well merited criticism of the late Dean Ames of that Act convinced the Commissioners that thereafter, before they put out any more acts that they would secure the advice of a law school teacher. The practical result of that change of attitude has been that all their uniform acts on commercial subjects from that day to this have had as their draftsman a teacher of law not engaged in active practice.

The Commissioners on Uniform State Laws were perhaps the first important body to turn to law teachers for help and advice. But today practically no important public legal work can be undertaken without seeking the advice of the law teacher. Whether we want to draw a workman's compensation act or a new charter for a municipality or defend the constitutionality of the Child Labor Act before Congress or reform judicial procedure or judicial organization or the substantive law, more and more the bar and the public are turning to the teacher of law who devotes his time to his work as teacher. The result is, that instead of being left alone with our students—left in mummified peace, to use the expression of my old friend—the danger is that the public will demand from the teachers of law so much legal public work that our teaching will suffer. I believe, however, that in spite of its dangers, the conception of the law school faculty as a body of men who are capable and who are doing constructive legal work which the world wants done, whether that constructive legal work is represented in a statute or whether it is represented in a great work on the law, like Dean Wigmore's, is fundamentally sound.

We must, however, recognize, we of the profession, that the new conception has its dangers. The reason why a law school teacher who devotes his time to his work as a rule is a better teacher than the man who is in practice or on the bench, is because he

has time to study his subject in detail, and—what is infinitely more important—time to study his subject in perspective. And it is this time to grasp the parts and whole of a subject that make him useful for different kinds of constructive legal work. Now I do not think any man here doubts that in order that a man may be master of his subject he must spend time in study. But what I think many of us lose sight of is that if a man is master of his subject you must permit him to have time to continue to study or he will not remain a master. Just as it is necessary, in order to succeed in practice, that you devote your time to your client's case, just as it is necessary to make a good judge that you must give yourself to the cases that you have to decide, so it is necessary, if the law school teacher's life is to be worth while, that he has the time and that he gives himself utterly to the subject which has been committed to his charge to teach in the law school. His teaching and his historical work and his constructive work must be, if they are to be any good, the outcome of that complete mastery of the subject which comes only by studying it day by day, day in and day out, and night also.

If you want your law schools, and I believe you do, to be places where the men who are to come after us in the best profession in the world, are to be men thoroughly well trained; if you want them to be places of scholarly legal research; if you want your law faculties to do the constructive legal work which the world needs, it is well. But remember that in order to have your wish fulfilled, you of the Bar and we also of the law schools joining you, must do for our profession what the medical men have been and are doing for their profession. We must see to it that the law schools that survive—mark the emphasis on the word "survive," a great many of our law schools should not survive—we must see to it that the law schools that we permit to survive have a sufficient endowment to secure a large enough faculty to respond in reason to the constructive legal work which the world wants done, without trespassing on the foundation of all good legal work, which is time necessary to get a grasp of one's subject in detail and in whole. I thank you. (Applause.)

PRESIDENT MACCHESNEY: The Bar has been made familiar in this State, in connection with the uniform law movement, with the contribution of Dean Ames, through the work of Judge Mack in incorporating the Ames amendments in the Illinois act when the legislature passed the Negotiable Instruments Act here, as the result of the efforts of Mr. John C. Richberg. At this last session of the legislature, we have adopted two of the uniform acts, the Sales of Goods Act, prepared by Prof. Williston of Harvard University, and the Marriage Evasion Act, drafted by Prof. Ernst Freund of Chicago.

The next speaker has selected as his topic, The Practical Co-operation between the Law Schools and the Bar. I happened to hear him say last evening, rather late, that the co-operation which the average member of the Bar gave to the law school was hardly a desirable quantity. I would not put it that way, but somehow he gave the impression that those very scholarly and learned and indispensable lectures contributed by members of the Bar from time to time to the classes in the law schools of the country, were not entirely necessary. I think he should be at least lenient in his judgment when he thinks that after all, with the fearful pressure of daily work, that the lawyer must have some place, even if it is a mere law school, to express his ideals, and that even though those ideals that he has may not be altogether desirable to the law school, they may be to the lawyer; he is doing something to show that he has some ideas beyond those of his desk. Why not regard them if not a useful contribution to legal science, at least as the writhings of a defeated personality, a struggling Enceladus beneath the Aetna of professional routine. Be fair to him at least, even if he is not up to the standard set by deans and professors. This may not mean that we are expected to co-operate with the law schools, it may mean that the law schools are expected to co-operate with us, so I am sure we would like to hear what Dean Vance has to say upon the subject. Dean Vance, of the University of Minnesota. (Applause.)

DEAN W. R. VANCE: Mr. Toastmaster, Ladies and my Brothers in Law: I am a trifle overwhelmed by the classical allusions made by our Toastmaster. I did not understand them, but

I trust the rest of you did. (Laughter.) However, the Toastmaster has not exactly understood, and has not correctly stated what I want to talk to you about this evening, which is rather a suggestion of a method of practical co-operation between the law schools and the State Bar Associations. The splendid compliment which this magnificent body of Chicago lawyers has paid to the law teachers of the United States in assembling in this number to do them this courtesy, particularly encourages me to proceed. Furthermore, it seems also that I would get encouragement to speak of this from the exceedingly interesting statements that were heard at the meeting of the Association of American Law Schools this afternoon, when Dean Wigmore of Northwestern University gave a demonstration of the work actually being done by his faculty in the study of problems of contemporary legislation. Taking my cue from the language in which Prof. Warren's subject is stated, "The Welter of Decisions," I want to speak of the Morass of Statute Law. (Laughter.)

We grow sorrowful when we think of the nine thousand volumes of reports of American decisions, and wonder what in the world we are going to do in determining what is the judge-made law of the land or even of any particular State. But I think the criticism that the American Law Schools have paid too little attention to statute law is well made, and I think one of the most encouraging signs of the times is the fact that more and more attention is being given in the law schools to the study of statute law, and the drafting of statutes. Now, before I go further I want distinctly, at this point, to disavow any intention on my part to reform anything or anybody. (Laughter.) I know that the feelings that are natural to this season of the year lead one to feel that he may in some way contribute to the early coming of the millennium, but I do not hope for that any more. Indeed, reform at this time, anyhow, is not anything like so popular as it was four years ago. (Laughter.) Indeed, I think all of us have come to feel a very considerable sympathy for that person of whom I heard the following story told:

It seems that in the year 1912 a certain noisy person was making a political speech in the City of St. Paul. He was calling

for reform. He wanted legal reform, he wanted currency reform, he wanted municipal reform. And just about that time some one away back in the back part of the audience said: "O, what you want is chloroform." (Laughter.)

Now in these days when ethics and everything else seems to be turned topsy turvey, there isn't any reason why I should not approach my subject in a topsy turvey fashion too. Therefore, I speak of the results before I speak of the causes.

I shall not say anything about the statutes of the State of Illinois. I would not dare to say the things that some of the members of your own bar have said about your statute law. I think probably it would be safe if I should take as the horrible example of what American statute law may be, the statute law of New York. The Consolidated Laws of that great commonwealth fill a whole shelf, making Dr. Eliot's Five Foot Shelf of books look like a primer. And exhibiting the most horrible result of the activity of the legislative intellect that the history of the world has ever known. (Laughter.) I might say as much, or as little, as the case might be, of the statute law of many of our other states. Take the great and glorious state of Minnesota; the statutes of that state are incorporated partly in a huge volume of 2500 pages. Those statutes are so full of inaccuracy, inadequacy, omissions, repetitions, contradictions, conflicts, that even a very sound lawyer cannot do anything except make a plausible guess as to what is the effect of such statutes upon the rights of his client. And it is not until the Supreme Court has passed upon many of these statutes that one can safely say what they mean.

Now why should our statute law be in such a distressingly uncertain and confused condition? I think we can regard that as a result. I think when we consider the methods by which our statutes are enacted we will all agree that it would be a matter of surprise if we got any result different from that which we actually have. The fact is, I think we shall have to admit that in all of our American commonwealths, with the exception of those statutes that have passed through the hands of the Commissioners on Uniform State Laws and of a few of the Bar

Association Committees, and perhaps of some other rather exceptional statutes in the different states, there has never been any really intelligent method for the enactment of statute law in this country. Now what I am going to propose or suggest is a method by which, it seems to me, we can devise an intelligent way at least of making some progress towards reducing this morass of statute law to some sort of accurate and efficient form.

Now let us see how our statutes are ordinarily enacted. I am not saying anything at all about how you make your statutes in Illinois. I hope the legislative committees that draw your acts, shape them and report them are made up of wise, learned and thoughtful and careful men. I have had some experience before legislative committees, both in the National Congress and in the legislatures of several States. To the man who is hopeful of accurate work in the enacting of statutes, a few days spent before committees in the actual drawing of those statutes, and of amendments and modifications of the statutes, is enough to give him nightmares for twelve months thereafter. The amount of drivel and ignorant talk that is heard before those committees by persons that are advocating or opposing different measures, and the remarkable arguments that are urged for and against the measures by members of the committee, are really most painful to hear.

Now that is not, however, so surprising. The members of the legislature, just as the members of Congress, are overworked; they have so many bills to consider they cannot possibly give them proper attention and, as a matter of fact, they do not. In the ordinary cases—and we are leaving out the great political statutes that are passed, but considering only those statutes that affect what you may call the civil or administrative side of the law, that has non-political aspects—the way in which the matter is usually brought about in our States may be thus described: We will say John Jones, in Wayback town, has a case which he loses because of some peculiarity in a statute, and he thinks that he ought to have won that case. He is vexed about it. It may have been against an insurance company. If he goes to the legislature next session he is going to change that statute. If he is a pretty forceful member of the legislature he draws up an amend-

ment to some existing statute or a new statute; and as nobody else is particularly interested in it, it is pushed right through and goes on the statute books. Now it does not fit in with the other statutes at all. It may be conflicting in part with others. And that process of course continuing, the result just as we have seen, is actually accomplished.

In some States there have been made efforts to get at this business of drawing up statutes a little bit more scientifically and accurately. But let us look in on one of the meetings of a State Commission created for the purpose of recommending changes in the law, for instance, to expedite legal procedure and diminish the cost of litigation, and see what occurs.

It so happens that a few years ago I was a member of such a Commission in the State of Minnesota, appointed by the Governor. Quite a number of suggestions were made by members of this Committee. I may say the members, barring myself, were either judges of high position or lawyers of large practice. It was very hard to get them all together. Just as soon as they sat down they began to tell how they must soon get away to this place or that. About a dozen proposals were made for changes in the statutes. I refer only to one of them, just to show how the thing went. It was proposed by one member of the Commission that in all civil proceedings five-sixths of a jury might render a verdict. Somebody said: "Has any other State enacted any law of that kind?" Well, they didn't know, but one of the members of this Commission was of the opinion that probably Colorado had a law like that, possibly some other States. "Do you know how it worked there?" No, he didn't know much about that. He didn't suppose it made much difference how it worked in Colorado. "Well," they said "we haven't got time to look it up, but we will take a chance on it." So they recommended that a statute should be proposed to the legislature that hereafter five-sixths of a jury might render a verdict in civil cases provided they had deliberated first twelve hours. That was one of the many statute changes recommended. Just as soon as those recommendations were placed before the proper committees in the legislature they went right through; nobody made objection to them. Why? Because this Commission had rec-

commended them and they were supposed to know what they were talking about. Now, as a matter of fact, much of their work was merely guess work, and haphazard. I wish I might have time to tell you about the discussions in regard to other proposals, but my time is insufficient.

We shall never get any kind of adequate statute law as long as statutes are drawn and passed in that fashion. You might say, after the session of this afternoon, all you have to do is simply to let the law schools get hold of it. They can make statutes all right. Well, now, could they? I doubt it. There are quite a number of law teachers in the United States that have considerable intelligence, but that alone is not sufficient; to revise the statute law of any particular jurisdiction, there is a lot more that is necessary. And furthermore, even if we assume that by any method that now is extant in any of these law schools it would be possible for the law teachers, with the aid of third year or graduate students to draft satisfactory revisions or amendments to our statute law, what chance would such proposals have before a legislature? I am rather inclined to think, as Mr. Lewis has so well stated, that the law teacher is held in somewhat more of respect than he was twenty years ago, but the academic curse is heavy upon him still. (Laughter.) Describe any kind of measure before the ordinary legislative committee as being drawn by a college professor, or as having been influenced by one, and you will kill it deader than Hector. (Laughter.) They will have nothing to do with it. They take it for granted that it is some sort of vague theory that is not worth anything. And I think those of us that are disposed to be entirely honest will admit there is some reason for the suspicion in which the product of the professorial brain is regarded when it comes to the drawing of statutes. Because, fight against it as we may, it does happen that the lawyer that has wholly withdrawn from practice and the actual administration of the law in the courts from day to day, is disposed to forget, to a certain extent, or to lose his power to visualize the court room and the machinery by which things are actually done.

Is there any way in which we can escape from this apparently blind alley? The practicing lawyers, you say, would

do it well. Maybe they could, but have you ever served on a committee of the State Bar Association on Jurisprudence and Law Reform? (Laughter.) It is a fine name, but what do they do? The Committee on Jurisprudence and Law Reform is generally made up of distinguished lawyers in large practice. It is almost impossible to get them together for a committee meeting. Some of them have presently to go to St. Louis or Denver or Salt Lake City, or some other place, so you cannot keep them together. But suppose you do succeed in getting such a committee together, and there are certain proposals made to that committee; have they any time to look into them? Not at all, and they do not know anything about them precisely or accurately. However great and powerful a lawyer may be as an advocate or counselor, he does not have and ought not to be expected to have without research that accurate knowledge of any particular large subject of the law that would be necessary for the purpose of drawing adequately, a statute. There is no help there.

Now it seems to me, gentlemen, that at this point there is a possibility of efficient and intelligent co-operation between these two great sections of the Bar. Either one, working by itself, is incompetent to accomplish the end desired but I believe that by working together they can accomplish it. Let me suggest in brief what can be done and what we are inaugurating, as yet in a very modest and quiet way, in the State of Minnesota: The Bar Association Committee on Jurisprudence and Law Reform has sent out to all of the members of the Bar Association of the State a circular letter requesting that any changes that may be proposed in the existing statutes, shall be sent in to this Committee. As a result of this letter a very large number of proposals for changes in the statute law of the State have been received from individual lawyers. Most of them are unwise, but some of them are of very considerable importance and should be looked into. I take one example for the purpose of illustration. One man proposed that the lien law of the State shall be changed so as to give a boarding house keeper a lien such as a hotel keeper has. You would think that change ought to have been made long ago; and it was intended to be made, but by reason of carelessness in the drawing of an amend-

ment to a certain statute the operation of the amendment was so limited as to be really inadequate and ineffective to accomplish its purpose. Now can this Committee on Jurisprudence and Law Reform, when it meets for two or three hours together, recast the lien law of the State?

You might say it might look into the question and take the time to prepare a draft. But they cannot do it. They are all too busy, and it ought to be drawn only after careful research. Therefore, what is suggested is that this Committee on Jurisprudence and Law Reform, which will meet in the library of the state University law school, shall turn over this year only one of these proposed changes to the law faculty for purposes of investigation and report. Now what will the law faculty do? They will, I take it, with regard to recasting the lien law of the State and reducing its apparent intolerable confusion, examine the statutes of the other states to see what form their statutes had taken. They might even go further and look at the German, French and other continental codes to see how their lien laws are framed. After this research had been made, a full record should be kept of the information gotten, naturally in a file, and then a tentative draft of a new statute, remodeling or revising the lien laws of the State could be drawn; and then when the Committee on Jurisprudence and Reform, made up of some eight lawyers of large experience and very active practice, should re-assemble, they can simply put the file in their hands and say, "Here is the result of a careful examination into the statute law on this subject in the United States, and here is a proposed draft of a statute revising the lien laws of this State." It is quite possible, if the experience of the drafters of the different acts that have been presented to the Conference on Uniform Laws is any guide, that these practicing lawyers would shoot that draft full of holes in a short time, and it would be shown very soon that it would not work, in this or the other respect. It could then be re-committed, and the faculty put to work at it again. In the course of time, I take it, they would have drawn up a statute that would at least have the merit of being clear, and perhaps reasonable and adequate. Then what would happen? The Committee on Jurisprudence and

Law Reform, after it is satisfied with the form of this new statute, could report it to the State Bar Association, at the time that it makes its annual report, producing the file that contains all the data upon which that draft was based. You all know, from your experience with discussions on the floor of State Bar Associations, how little accurate information is there available. Well, here you would have it. It is quite probable the bar association would promptly adopt the report of its committee. And it is my judgment, from my own experience with legislative committees, that if, under these circumstances, the Committee on Jurisprudence and Law Reform of the State Bar Association should present this bill, with a statement of the facts, and the investigation which had been made, also with the accompanying data, it would go right through without any trouble whatsoever, provided it had no political aspect. And I should say again that it would seem absolutely essential that the law schools should never consider any sort of statute that had a political aspect.

Now, gentlemen, it seems to me that the presence of so many members of the Bar Association here to meet the law professors, indicates a feeling that I believe is pretty general over this country: That there ought to be some co-operation between these two great elements of the legal profession. I believe that that co-operation will readily be given on the part of the members of the Bar and on the part also of the law schools, so far as they are strong enough, in view of the heavy pedagogical burdens laid upon them. And I furthermore believe that while the revision of the statutes of any particular jurisdiction along this line must necessarily be slow and somewhat painful, just as has been the case with the Negotiable Instruments Act and the Bill of Sales Act, and so forth, yet it seems to me that at least this suggestion offers a possibly intelligent method of going about the revision of our statutes so that they may lose plentifully in bulk and gain immensely in clearness and adequacy. I thank you for your patience. (Applause.)

PRESIDENT MACCHESNEY: Perhaps Dean Vance would be interested in knowing that we endeavored, just recently, in this State, to work out some sort of scheme which would make for

better statutory enactment. We have established in this State, as perhaps he knows, a Legislative Reference Bureau which promises to be a great service, not alone to the legislature, but to the Bar of the State as well. The last legislature appropriated money for an expert draftsman for the Illinois Commission on Uniform State Laws, and it is hoped to work out a scheme whereby the Legislative Reference Bureau, the Bar Association and the Commission on Uniform State Laws of this State may co-operate in such a way as to improve the general grade of statutory enactments here.

I am sure the next topic is one which is of special interest to every lawyer, though I wonder sometimes if every one realizes that. I noticed in reading the *Atlantic Monthly* recently that Henry Sydnor Harrison, in speaking of American readers, in reply to some author who had criticised the American reading public, said he had no such ill opinion of them as the writer in question evidently had; that when he thought of readers he thought of serious minded middle aged women and of "beginning lawyers." That word "beginning,"—as though no one but the beginning lawyer ever read. Evidently that is not the idea of Prof. Warren, who is going to speak to us, else he would not think the "Welter of Decisions" was a sufficiently interesting topic upon which to talk to us; and so, in contrast to this popular writer, we appreciate the compliment and hope that he will have something to say to us which will help solve some of the difficulties.

We almost had a riot when we arranged this programme because the Harvard men insisted that Prof. Warren should sit with them, and the programme committee insisted that he should sit with us. Now I am sure that the fact that we have won out will be taken only as a compliment to the Harvard men and not an intent to deprive them of the pleasure of his personal company at their table. Prof. Warren of Harvard University. (Long and continued applause.)

PROF. EDWARD H. WARREN. Mr. Toastmaster, Ladies and Gentlemen: In the preface to the third part of his reports, Sir Edward Coke said that the Kings of the realm had, in former times, appointed four professors of law, learned and discreet, to

report the judgments and opinions of the reverend judges, "to the end that all the judges and justices in all the several parts of the realm might, as it were with one mouth in all men's cases, pronounce one and the same sentence; whose learned works are extant and digested into nine several volumes wherein you may observe the unity and consent of so many several judges and courts in so many successions of ages and the coherence and concordance of such infinite, several and divers cases (one, as it were, with sweet consent and amity, proving and approving another.)"

And then he proceeded to enumerate other estimable law books, such as Glanville, Bracton and Littleton, the Commentaries of Plowden, the Abridgements of Fitzherbert and Brooke and his "own simple labours." And he sums up by saying:

"Then have you fifteen books or treaties and as many volumes of the reports besides the abridgements of the common law."

There has been a controversy as to whether the Kings of the realm ever did appoint those four professors of the law, learned and discreet, to report the judges, but I think no one has ever questioned the completeness of the review by Coke of the books on the common law then existing. And the total of those books was about thirty.

In recent years numerous gentlemen have called the attention of the public to the rapid multiplication of new legal products. The work of a court today has been compared with the work of a court a century ago; the number of reported decisions has been contrasted with the number a generation or some years past. I wish to speak of the matter not relatively, but absolutely.

How many pages do you suppose are contained in the reports of the decisions of courts in the United States which appear within a single year? We took the volumes of such reports which were added to the library of the Harvard Law School in the year ending June 30, 1915, and ascertained with substantial accuracy the number of pages contained therein; we excluded all reports in the nature of duplicates,—for example, with some relatively unimportant exceptions, we excluded such reports as the Atlantic Reporter and the Northeastern Reporter. We then did the same thing with regard to the reports of the English decisions. The

total number of pages in the English reports for a year was about 5000; the total number of pages in the American reports for a year was about 175,000.

Now, if anybody can be expected to keep up with the new legal products I take it that a professor at a law school is that one. Suppose a professor takes six weeks in the year real vacation, and that the correction of his examination books at the end of the year takes him into the wilderness for six weeks. This leaves him with forty weeks, and we will assume that he works eight hours a day. Now he will be lucky if, after he has done his other duties at the law school, he has left free for study twenty-four hours a week,—the equivalent of three full days. If a professor did no writing and no thinking, but simply read reports all the time, he would have to develop and maintain a speed of 180 pages an hour, just to read the annual outpourings. And that takes no account of a variety of other things on which he would like to keep himself informed, and on which he ought to keep himself informed. Thus, of the decisions in other countries, notably England, but also the continental countries; the vast amount of statutes which are appearing; the reports of the commissions,—there is scarcely anything that is much more important than what the Interstate Commerce Commission is doing; and lastly, the treatises and articles which appear on legal subjects.

Viewing the matter not relatively but absolutely, it is plain that the time is past when a man can, by putting out a little more, and yet a little more, of his energy, keep up with the annual outpouring. The mass of the annual legal products is so great that it will break the back of any man that tries to carry it. However conscientious he may be, in self preservation he simply must stand out from under.

It is easy to state a difficulty; it is hard to suggest a remedy. In those immortal words of Tweed: "What are you going to do about it?"

The obvious suggestion to be made first, is that of specialization. Now specialization may be of two kinds. A man may confine himself to a few subjects or to one subject. A man may confine himself to a few jurisdictions or to one jurisdiction.

First, as to a specialization in subjects. It is now almost the universal practice in American law schools that a professor should offer the same courses indefinitely, or at least over a long period of time. Experience shows that that gives the best results for the students, so long, at least, as the professor keeps his intellectual conscience. The elder Thayer was fond of saying that good teaching came when the teacher was guiding his students over a road oft-traveled by himself; and that, of course, means specialization. But the professor who is most proficient in any given subject is constantly striving to show to his students that the law is, or should be, a harmonious whole; that it is not split up into thought-tight compartments. And he is constantly striving to help his students to develop a capacity for legal judgment by encouraging them to reason by analogy from other topics in the law. To keep himself at a high efficiency he must keep himself informed as to what is happening in other subjects than those he is teaching. Moreover, even if you assume that a professor could safely confine himself to one quarter of the decisions, and if you assume (what would probably not be true) that he could safely delegate to some assistant the selection of that quarter, the figures already given will show that while, perhaps, he could make his eye travel over one-quarter of the annual production, he could not possibly digest it. And when we come to consider the judges, it is plain that a specialization in subjects will not solve the difficulty. They cannot specialize in subjects. It is a part of their job to be such all-round persons that they are equally at ease in considering a restraint on the alienation of property, and a lack of restraint in the alienation of affections.

Second, as to a specialization in jurisdictions. This morning, at one of the meetings of the Association of Law Schools, Mr. Kales called our attention to the fact that there is no common law in the United States; that we have no final court except on federal questions; but instead, he said, there was a common law in each of forty-seven jurisdictions. He went on to develop his topic until he showed, or asserted, that there was a common law for each law school, and finally that there was a common law for each law professor.

"Common law." What does "common" mean? I submit that a thing is only common when it is shared by many, and the logical outcome of Mr. Kales' definition would seem to be that he has a common law which he shares with nobody.

Of course it is true that we do not have in this country any court corresponding to the House of Lords, but does that mean that we can not have a common law in America? On all things it is not to be expected that the law will be the same or even substantially the same. There is no reason why the law of water rights in Colorado should be the same as the law of water rights in Massachusetts,—the reason is the other way, there should be a difference. I suppose that if we should take this body of men and go through it, we could not possibly find any two men who think the same on all legal points. But does that mean that we do not have certain fundamental conceptions in common? Not at all.

Now up to the present time it has certainly been the custom of American courts, when they were confronted with some new problem, not to attempt to solve that out of their own inner consciousness, but to look to the decisions in other jurisdictions for information, suggestion, guidance. And the result has usually been that a court, finding a certain trend of authority in the United States, has been glad to conform to that, and has only with regret departed from it if local conditions seemed to make that necessary. Now, to my mind, that is a common law more splendid than the common law which depends upon the decisions of the House of Lords. It is one thing to have all courts following a rule because that rule is imposed upon them by a higher court; but how much greater weight does it carry when you find that court after court in the United States has been presented with a problem and that they have felt that they could come to the same decision,—the decision not being imposed upon them by some higher court but being adopted by them in respect to the decisions in other jurisdictions? If we continue with the enormous mass of decisions it may become impossible for a court to take that attitude of carefully considering cases outside the jurisdiction.

We are living in a time when it is plain that the Ameri-

can people need to strengthen every force that tends to bind them together and to quicken their consciousness of themselves as parts of one nation. Just as we want a common language, so, it seems to me, we greatly want a common law, in the sense in which I have spoken of it. For the courts of any one jurisdiction to confine themselves to cases in their own jurisdiction is, to be sure, one sort of solution. But it seems to me that it is the kind of a solution to be likened to the throwing overboard of the cargo when the ship is in distress.

I conclude that there is no satisfactory solution of the difficulty in which we are through either sort of specialization.

The affirmative suggestions which I offer are four.

First: Let the court write no opinion, or, at most, a mere memorandum opinion, in the cases which do not deserve an extended opinion.

A few years ago one of the Justices of the Supreme Judicial Court of Massachusetts told me that there was no real merit in three-quarters of the cases that came before the court. And yet that court goes on today writing an extended opinion in practically every case. There are very few cases that really add anything to the law; most of them are merely cumulative, at best. For a court to write an extended opinion to gratify the vanity of counsel in every case, but to direct that only a few be officially reported, would not meet the difficulty, for we should forthwith have in our midst some enterprising publisher who would bring out the unofficial reports.

I turn once more to Coke. After his enumeration of the books he proceeds to say: "In troth, if judges should set down the reasons and causes of their judgments within every record, that immense labor should withdraw them from the necessary service of the commonwealth and their records should grow to be like *elephantini libri*, of infinite length, and in mine opinion lose somewhat of their present authority and reverence; and this is also worthy for learned and grave men to imitate."

Coke, with thirty volumes on the law, warning the judges not to report all their decisions!

The Court of Appeals of New York has set the country a

splendid example which, I think, is not at present appreciated. Turn to the last volume, 215, of the records of the New York Court of Appeals; you will find that, excluding such things as motions for re-argument, the court disposed of 220 cases. Of those 157 were disposed of with no opinion, or with mere memorandum opinions. In only 63, or 28 per cent. of the whole, did the court write an extended opinion.

Second: Let the judges be required to write their own head notes.

It was my first thought to bring here and to read as horrible examples some of the head notes which have appeared in recent volumes. I have not done so because the cases might be identified and the personality of the reporter revealed. But I submit that frequently it is literally harder to read and understand the head note than it is to read and understand the opinion.

In a great many cases it seems to me the fault is not wholly, or even primarily, with the reporter. There is many an opinion which reads as if the judge had been having a real comfortable chat with his stenographer. I have devoted myself to such cases in a conscientious mood until I have revolted. The reading of decision after decision of that kind does not increase a man's brain power,—it actually deteriorates his mentality. It produces nothing but brain fag and brain fog.

It is the perfection of knowledge to be able to say true things in a few words. It is only when the judge is confused in his own mind that he cannot even sum up concisely. My first suggestion would buttress my second. If the judges wrote fewer opinions they could write better opinions.

The requirement that the judge should write his own head notes, that he should be able to state in a few words what is the point of what he is talking about, would not only save us from the work of inadequate reporters, but it would tend to save us from a mass of decisions in which no one can see wisdom except by a most benevolent inference.

Third: The lawyers can help by confining their citations to a few pertinent cases or, at most, by sharply differentiating between the most pertinent cases and those which are merely cumulative.

And while the lawyers may be a bit timid about doing that, yet I feel sure that they will not prejudice the cause of their clients by so doing.

Not long ago a lawyer was arguing before a court in an eastern jurisdiction and he said: "Your Honors will find that, beginning at page so and so of my brief, and continuing thereon, I have collected all of the authorities on this point." The presiding judge leaned forward and said: "Did you put the best one at the top?"

A great mass of decisions does not aid the judge, it simply swamps him. And the judges are going to be more favorable to the men who present their cases in the more condensed way.

Fourth: The professors ought to help some. Again avoiding all personalities, I submit that most of the law books that are now put out consist, so far as the text is concerned, of loose, general statements which, on analysis, are seen to be inconsistent with each other, to which are appended dense black clouds of notes. The idea seems to be that all that is necessary is to get in all the authorities. There is but one God and his name is All the Authorities. Those books show infinitely more industry than brains. The scissors are mightier than the pen.

It is good to be learned, but it is so much more important to have a little wisdom. The kind of book which would be of great service and which, it seems to me, the professors really owe a duty to the community to produce, are the books which will state the problems concisely, and then discuss those problems, with great respect for the authorities and in the light of the authorities, but also in the light of what seems reasonable to the writer. I want to predict that such books will be gladly welcomed by the courts as an aid to them in discharging their duty of keeping our law so simple that it can be understood, and so reasonable that it can be approved.

And one last word: I have spoken of the lawyers and I have spoken of the professors, but I wish to make it plain that I do not over-estimate what either of them can do. The ultimate responsibility for keeping our law simple and reasonable must, under our conceptions, rest with the courts: The opinions which will command the respect of our people are those that are given with

a full sense of official responsibility, with a consciousness that the judgment pronounced will have an actual effect on the human beings involved in the litigation.

PRESIDENT MACCHESNEY: The last speaker on our programme is a man who, for a number of years, endeared himself to us while here as one of us in Chicago. Prof. Woodward is one of three men,—Prof. Woodward, Prof. Pound and Prof. Costigan, who have devoted themselves unselfishly and with great sacrifices to the editing of the Illinois Law Review, of which Prof. Woodward was the first editor and the one who set the standard which has since been followed. He has selected as his topic, "The Western Front." I do not know whether that means that this war terminology has gone to his head, or whether he refers to that other quality which strikes one so patently as one travels westward,—the western front; *you* know what I mean. But we will let him explain, I am sure that his old friends are glad to have Prof. Woodward here again tonight to speak to them. Prof. Woodward, Dean of the Leland Stanford, Jr., University Law School. (Applause.)

DEAN FREDERIC C. WOODWARD: At this season of the year, Mr. Toastmaster, it is the custom of unselfish and warm hearted people in every community to see to it that their poorer neighbors, and especially the inmates of their eleemosynary and public institutions, are given one good, big dinner. Lawyers are, in certain quarters, suspected of not being a very unselfish and warm hearted lot, but it seems to me that the members of the Illinois State Bar Association have proved tonight that that suspicion as to them, at least, is entirely without foundation.

I come from California and therefore, every one here feels sure that he knows what I am going to talk about; (laughter) for every one here I am afraid has heard the story of a Californian who happened, at one time while visiting in the east, to go to a funeral. I do not know what his motive was. But when it was announced that the local clergyman would be unable to be present, and that any one who should be moved by the spirit might address the gathering, he waited a decent interval and then rose and said: "My friends, I had not the pleasure of knowing our

deceased brother and therefore cannot pay a tribute to his memory, but I should like to take this occasion to speak a few words about the climate of California." (Laughter.)

But the climate is not the only boast of the true Californian. When Dr. Jordan left the University of Indiana and went to California with the purpose of becoming the first President of Leland Stanford, Jr. University, certain skeptics on the coast announced that he was about to undertake to enrich the culture of the Pacific Coast by overspreading it with a thin layer of middle-western civilization. But the experiment was a tremendous success, and as a result, today the education of youth vies with the cultivation of citrus fruits for the leadership among the industries of California. Nor does legal education lag behind. Dean Richards has appealed to a quantitative test in order to show that Illinois is the center of legal education in this country. Even according to that test California ranks second, because we have ten law schools as against your nine, Massachusetts four and Pennsylvania five. But when it comes to quality, we are willing to challenge even Illinois for, while the graduates of all of the law schools of Illinois are required to pass a bar examination in order to entitle them to practice law, the alumni of our California law schools have so clearly proven the excellence of their training that by act of the legislature the graduates of at least seven of our ten schools are admitted to the Bar without examination. (Laughter.) And if any further evidence of our pre-eminence in legal education is required, I would beg to make profert of the President of the Illinois State Bar Association. Col. MacChesney entered Leland Stanford University and stayed only a short time, the pace proving too hot for him. I refer to the scholastic pace. He transferred to Northwestern University, and in due season he passed along to the University of Michigan which finally conferred upon him the degree of Bachelor of Laws. (Laughter.) The University of Michigan, I admit, is entitled to the chief credit, but in accordance with a well known maxim the University of Michigan must also share the chief part of the responsibility for his subsequent career. (Laughter.)

According to every formula for after dinner speaking, I ought

now to give my thoughts a serious turn, but I know that you have already given your thoughts a serious turn towards suburban trains and comfortable homes and beds, and looking about me I see here and there a face which reminds me of a cartoon which appeared in the Chicago Tribune the other day, entitled, "Alone at Last, or the Curse of the Sleepy Eye." (Laughter.) Moreover, I had my serious fling this morning, and I feel about myself, and probably you feel about me as the Swede felt who had been a very eloquent wooer, but when his prize was won became abnormally reticent and silent, and when he was lectured by his fiancée, said by way of explanation: "Well, aye tank perhaps too much ban said already." (Laughter). So I shall content myself with only two serious remarks. In the first place, it gives me special pleasure to see here again tonight and to shake hands with my old friends among the faculty and the alumni of Northwestern University, an institution which I endeavored to serve for some five years, a period of my life to which I look back with unalloyed pleasure. And secondly, I wish to say that although in company with four other men I came nearly three thousand miles to attend this series of meetings, I feel amply repaid, especially after this dinner tonight. And while I do not know that I am willing to admit, in this presence, that when I go home I shall consider that I have learned anything from the wise men of the east in legal education, I shall at least be sure to go back with this message to the California Bar Association, that if the Association of American Law Schools should ever happen to meet in Los Angeles or San Francisco, the Bar Association will find it very difficult even to equal the hospitality which has been shown us by the Bar Association of Illinois. I thank you. (Applause.)

PRESIDENT MACCHESNEY: The Illinois State Bar Association thanks its guests for their gracious presence tonight, and bidding them Godspeed in their service in educating the oncoming Bar, I declare the Meeting adjourned.



John Barrett
Director General Pan American Union, Washington, D. C.

ADDRESS OF

HONORABLE JOHN BARRETT

DIRECTOR GENERAL OF THE PAN AMERICAN UNION AND FORMER
UNITED STATES MINISTER TO ARGENTINA,
COLOMBIA AND PANAMA

BEFORE THE

ILLINOIS STATE BAR ASSOCIATION

FEBRUARY 19, 1916

PRESIDENT MACCHESNEY: Gentlemen, I am sorry to break in on your animated conversation, but the time has arrived when I know you are all anxious to hear from Mr. Barrett. It seemed to the committee, when they were arranging for this meeting, that nothing could be of more interest to that part of the Bar who are thoughtfully considering the foreign relations of the United States, than the relation of the Monroe Doctrine to some of the problems which we as a nation, together with all of Europe, are facing, and it becomes important to us to know what the future of the United States may be, and what relation the development of the other Americans may have to our own development. Perhaps no organization has done more to bring that home to the American people than has the Pan American Union. We have all heard a great deal about the Monroe Doctrine for a great many years. Some time ago it was thought it had gone out of fashion and should be abandoned; that the policy which had grown out of a desire to protect the integrity of the South American nations had become an affront to them, and an intimation of superiority which was neither desired by them nor advantageous to us. But since the European war began many people have reconstructed their ideas upon this subject and are trying to think out what the policy of this country should be. And certainly the great Pan American movement, originating many years ago with Mr. Blaine, who came out here with the Pan American Congress which I re-

member as a lad attending with my father over at the old Grand Pacific Hotel, down through the very constructive work of Mr. Barrett, has formed a basis for development in Europe which we hope somehow may give inspiration for a solution of their problem so they may live upon some such basis as the countries of the Americas have been able to do. And no man in this country knows more about the relations of the Latin American countries, or can give us a message which will be more worth listening to upon the general subject of Pan Americanism or the Monroe Doctrine, than Mr. John Barrett, the Director General of the Pan American Union, and former United States Minister to Argentina, Panama and Colombia, who will speak to you tonight. (Applause.)

MR. JOHN BARRETT: Mr. President, Members of the Illinois State Bar Association, and Guests: I hope that I have shown my appreciation of the honor which you have done me in inviting me to speak tonight, by coming at a time when it is most difficult, as you may readily understand, to get away from Washington, and by the fact that this is one of only four or five invitations which I have accepted out of nearly two hundred received for this and the next month. The interest throughout the country is now so great in all phases of the effects and influences of the European war that it would seem as if every variety of organization, commercial, social, civic and scientific as well as legal, were anxious to know more about what might be called the present day Pan Americanism and the status of the Monroe Doctrine as affected by the European war. Recognizing the notable character of this organization, I accepted the invitation which was so earnestly tendered through your amiable, diplomatic and persistent President! (Cries of "good.") And I am very glad that his amiability, his diplomacy and his persistency won out in my case, for I have looked over this audience, I have been told who the majority of you are, and I feel as if I were being really honored by your presence here this evening. I recognize, however, that the honor is not to me personally, but to the organization with which I am connected, and to the cause in which I am engaged. I can say this, however, that I do have, always, a real satisfaction in speak-

ing to a representative audience of this city, this section and state. As I remarked to a group of men earlier today, I honestly and sincerely feel that, as far as public service for my country abroad or in Washington could permit, this State has been, practically, my residence for the last sixteen years. If I may be that personal, I would add that, born and brought up under the shadow of the green hills of Vermont, I betook myself, right after graduation, to the Pacific Coast, never having been west of the Hudson River before, and was on the coast in the good state of Oregon when I was first appointed United States Minister. But later on my official labors unavoidably separated me from the state of my adoption, and I naturally sought to have a habitat in this State of Illinois where I felt the greatest attraction, where the only sweetheart I ever had lives, namely, my mother; and my brother also.

I have always found it to be true in my experience with foreign affairs, first when fifteen years ago I discussed the Philippines after some five or six years official experience in the Far East, and again since then when I have been discussing Latin American matters, that, if Chicago and this State get behind anything, you can count upon it that the rest of the country is also going to get behind it! From watching, for example, the attitude and the influence of the Chicago Association of Commerce and the Illinois Manufacturers' Association in the great question of Pan American trade, I am aware that they have been powerful factors and influences in awakening all of the commercial organizations throughout the country to the importance of that trade. I think I can say without exaggeration—and I am glad Mr. Nickerson is here to hear it—that the Chicago Association of Commerce responded more quickly and more actively to my first appeal which I made all over the country nine or ten years ago for practical and persistent effort and work towards the development of greater trade between the United States and Latin America, than did any other similar commercial organization in the United States. And this interest has had its direct effect. Before the commercial organizations in New York City or San Francisco or even New Orleans, had fully opened their eyes, so to speak, you here in Chicago had seen the vision and acted upon it. Today New York

is taking many leaves out of your book, in its efforts to get into closer touch with the countries lying south of us.

I am well aware of what a busy State this is and of what a busy city this is, and how busy are the members of this association. You are not men of leisure, in the sense of having nothing to do but to go to the Club or travel about, but you have great responsibilities in your profession; or, if you are business men, you are all constructive men of the hour and have not much time—and it is no discredit to yourselves—to study the intimate phases of the relations of the United States to and with its twenty sister American republics. You have been so occupied in making good to your clients, you have been so occupied in extending the ramifications of your respective businesses, that you have not had time, any more than I have had time to study your individual work, to study the work of the Pan American Union and really to comprehend what kind of an organization that is down there in Washington which today is doing so much to develop and forward the new Pan Americanism and to make, as it were, the Monroe Doctrine a Pan American doctrine or policy.

Some of you have heard me tell this story before, but it so aptly illustrates what I want to say that I will run the risk of repeating it. I might say that the majority of you are not much more familiar with the development, history, resources and potentialities of the Latin American countries, or with the real history and the practical work of the Pan American Union plant, as I might call it, in Washington, than I was familiar with Siam when I had the honor of first being appointed Minister to that country—I will not say how many years ago! All of you men here were well along; the ladies were still in swaddling clothes! But I was so young that it would have been better if I had been spanked and kept at home instead of being sent out as a United States Minister. In those days I thought a man had to be at least President of the Illinois State Bar Association before he could qualify as Envoy Extraordinary and Minister Plenipotentiary. I was in Washington. You know how men often go to Washington after the election of a new President! I was there, and was hoping to arrange some matters in my state that would be acceptable to all concerned

when, just as I was about to say good-bye to the President, he said :

"Barrett, I am looking for some young man who isn't afraid of hard work and the tropics, who wants to make a reputation for himself, who doesn't know much about the country, and therefore, will not be prejudiced, to send out to Siam as United States Minister, to settle an important case involving several millions of dollars and the interpretation of our extraterritorial treaties."

The first thought that came into my mind was that he wanted me to suggest or recommend somebody ; that he had decided, in the apportionment of his Ministers, that a Minister to "any old place" like Siam might come from my part of the country, and I began to think of some young man in my adopted state of Oregon whom I would like to get rid of, who would go so far away that he would never get back, or would die of the cholera ! And when I was trying to think who were the most undesirable men upon my list, the President looked at me and said :

"Barrett, I am thinking of appointing you Minister to Siam, what do you know about that country?"

Well, I was so surprised that I hadn't a thought for a moment. To save my life, I couldn't remember whether Siam was in the south Atlantic or south Pacific, in Asia or in Africa. But I remembered that he said he wanted somebody that did not know much about the country, and so I thought that if I could impress him with my knowledge I would escape the possibilities of cholera in that part of the world. Then there came to me a childhood memory ; I braced up and said :

"I know, Mr. President, all about Siam."

He replied :

"You do ? What do you know about Siam?"

And I answered with an assumption of great knowledge :

"Siam is the country that produced the immortal Siamese twins." (Laughter.)

Whereupon, with a twinkle in his eye, he grasped my hand and exclaimed :

"Well, I am glad, indeed, to get hold of a man with such abundant information." (Laughter.)

Without going into the details of why I accepted; I can say that, when I did go out there, my eyes began to open. When I touched Japan, later Korea, thence proceeded down the coast of China to Hong Kong and then by the South China Sea around Indo-China and up the Gulf of Siam to Siam itself, my eyes opened so wide with astonishment and admiration that it was at first difficult to close them. When I had been a little time in Bangkok, the capital of Siam, I found that I was in the most progressive kingdom of Asia, next to Japan. I found that the King of Siam was a most intelligent and highly educated monarch; who was descended through a distinguished ancestry; who spoke almost as excellent English as does your presiding officer; who lived in a palace equal in size and beauty to that of the Emperor of Germany, or, that I may appear to be perfectly neutral, to that of the King of England! There I saw the first automobile in which I ever rode; there I saw the first electric street car line ever constructed in all Asia; there I saw the first electric light plant that was ever built in a great Asiatic city; there I saw the first great woman's college erected by Asiatic money, by the King himself, in which were teachers from America and Europe educating the young women of that land as they would the women of our country. Then I remarked, as I wrote back to my friends here, "How is it that you have been so extremely busy and occupied back there that you allowed young men like myself to graduate from college without knowing of this great modern development in Asia?" And during the five or six years that I spent in the Far East I was continually striving to inform Americans about that part of the world, little realizing that it presently would befall me or be my next responsibility to aid in opening up another part of the world to the knowledge of our people.

When I came back to this country sixteen years ago, one of the first addresses that I had the honor of making on the Far East and our vast responsibilities and opportunities there and in the Philippines, I delivered in this city as the guest of honor at the annual Washington's Birthday meeting of the Union League Club. I remember that occasion as if it were yesterday. But I am not going to talk more about the Orient, although I wish I could

speak more of it, for it was my privilege to have had friendly relationship with the present head of China, Yuan Shi Kai, and to have been in close association with the men in other parts of China who are figuring in its history and reorganization today. I am not here tonight, however, to discuss that great Asiatic field, with all its marvelous ramifications and potentialities—and mighty powers for the world and for our own country!

Now our characteristic ignorance of Siam is, I fear, characteristic also of our acquaintance with a majority of the countries lying south of us, but I hope when I am through tonight every one of you will go out of this room feeling a sense of new interest, a sense of new international responsibility that he or she has not had before. Not because I say it, but because of the inherent seriousness of the problem, involving the very life of this nation, the very prosperity of this city, and the very greatness of this state. I do not say that in a careless way, to make words, but I say it, realizing who are the men to whom I am speaking.

To stand on, as it were, a proper platform of viewpoint and to grasp this question, we should understand what is the Pan American Union in Washington. In order that, from the very start I may have your interest, not based upon my own opinion, I am going to tell you the opinion of the Pan American Union held by a great English statesman. This English statesman some time ago stated that he was perfectly sure that if they had had in London or Paris, in Berlin or Vienna, in Rome or Petrograd, a "Pan European Union," an "All European" union, organized upon exactly the same plan as the Pan American Union in Washington, controlled and directed in a similar way, with the same kind of inspiration, there would never have been a European war!

Now, honor bright, gentlemen, do you want any greater compliment to the practical value of the Pan American Union than the statement that this greatest of all wars, greatest in its destruction to the ideals of civilization, greatest in its cost, greatest in its loss of life, could have been avoided if they had had a duplicate of the Pan American Union in the form of a Pan European Union in one of the capitals of Europe? And now I believe, having your interest, not on my own testimony, but on that of

this English statesman, you want me to tell you why he had a right to make this observation.

I wish that I could transport you all bodily, this moment, to Washington, and escort you to the foot of Seventeenth Street, at the entrance to Potomac Park—past the White House, past that wonderful southern outlook of the White House which is, in my opinion, one of the most inspiring vistas in the wide world; past the Corcoran Art Gallery and the new building of the Red Cross and the home of the Daughters of the American Revolution, and show to you all that beautiful Palace of Peace and Commerce and Comity among the nations of the western hemisphere, that building which is literally—and think what this means—the *Capitol* of the western hemisphere in the national *Capital* of the United States, a description that applies to no other building in the wide world, in any capital under the sun!

And then I wish I could take you within its portals, past those noble groups of statuary, one representing North America and the other South America, through those great bronze grilled doors, past that exquisite exotic patio, the piece de resistance, in many respects, of the architecture of the building; then up the grand stairway, past the busts of the George Washingtons of the southern republics, into the Stately Hall of the Americas, which has been described as the most perfect room, architecturally, of the western hemisphere; and then I would bring you finally to the Governing Board room, and then, as you stood there I would say to you, without any misuse of the term:

“Mr. Member of the Illinois State Bar Association, you are now standing in the *unique* room of the world.”

That often misused word is not misused in that sense, because there is no other room like having to do with the relationship of nations anywhere in the world.

On the first Wednesday of every month, by international agreement and by official enactment, there assemble in that room, around a mahogany table of majestic beauty, the plenipotentiaries of twenty-one nations, the envoys of one hundred and eighty millions of people. There at the head of the table sits your Secretary of State, Robert Lansing; upon his right sits the Ambassador of

Brazil, Senor Domicio da Gama; upon the left sits Senor Don Eduardo Suarez Mujica, the Ambassador of Chili and late President of the great Pan American Scientific Congress; then again on the right of Ambassador of Brazil sits Dr. Romulo S. Naón, Ambassador of Argentina; then on the left of the Ambassador of Chile is the Minister of Bolivia, Senor Don Ignacio Calderon, and so on, each man having his seat according to rank, as follows: Senor Don Carlos M. de Pena, Minister of Uruguay; Senor Don Joaquin Mendez, Minister of Guatemala; Senor Don Frederico Alfonso Pezet, Minister of Peru; Senor Don Julio Betancourt, Minister of Colombia; Senor Don Hector Velazquez, Minister of Paraguay; Senor Don Eusebio A. Morales, Minister of Panama; Senor Don Emiliano Chamorro, Minister of Nicaragua; Senor Don Gonzalo S. Cordova, Minister of Ecuador; Monsieu Solon Menos, Minister of Haiti; Senor Don Carlos Manuel de Cespedes, Minister of Cuba; Senor Don Santos A. Dominici, Minister of Venezuela; Senor Don Rafael Zaldivar, Minister of Salvador; Senor Don Manuel Castro Quesada, Minister of Costa Rica; Senor Don Armando Perez Perdomo, Minister of the Dominican Republic; and Senor Don R. Camilo Diaz, Charge d'Affaires of Honduras. Senor Don Eliseo Arredondo, Ambassador-elect of Mexico, has not yet presented his credentials, but upon doing so will take his seat around this historic board. Around that table there is not a man who by his brain ability would not be fitted to occupy a seat in the Cabinet of the President of the United States, and many of them fitted to sit upon the Supreme Bench of your State; all of them men who would be, if lawyers, qualified to join this Association; from their mentality, nearly all of them big enough to be the Presidents of their own lands, masters of history, students of diplomacy, scholars, philosophers, and in many cases, wonderful orators;—there, around that table once a month from one hour to two or three hours, those men talk about the affairs of the republics and the Pan American Union with as much friendliness and frankness as the directors of this organization would consider its welfare around a friendly table, or as the members of your family would discuss your family affairs. Around that table now for two years these twenty-one representatives of the western

hemisphere, from the United States on the north to Argentina on the south, have sat, shoulder to shoulder, keeping the Pan American bond unbroken and preventing the flame of the European war reaching with its disastrous scorching fires the shores of the western hemisphere. And today, if there is any one thought that inspires the meetings of that Governing Board, it is that the Americas must stand together now as they have never stood before in the history of this hemisphere. And when I tell you that during the nine or ten years in which I have had the honor to be the executive officer of that organization, it has helped to prevent several international wars upon the western hemisphere, you will realize that it is not an impractical, a theoretical organization.

Now, on the practical side: In that building is a staff of trained men, assisted by competent stenographers and clerks, who are experts in international law and commerce and statistics, also editors, compilers, translators, who are in touch with the whole western hemisphere, conducting a great international bureau of information, and carrying on a correspondence averaging three or four hundred letters a day. And we publish a monthly Bulletin—I have with me here the English edition—in English, Spanish, Portuguese and French, having more pages of reading matter and illustrations than any one of the popular magazines that you buy upon the news stand and, being official, can not have, of course, advertisements, but, in actual reading matter and illustrations, exceeding the average popular magazine. It is published, mind you, in Spanish in French and in Portuguese, as well as in English, and the demand for it nearly four or five times greater than we are able to supply. It is a magazine which, before the war broke out, the German Emperor described as the most interesting, instructive publication in the world.

In that building we have the Columbus Memorial Library, in which there are now thirty-five thousand volumes of up-to-date Americana; which, by the international regulations, is made the repository by every government of its official documents, and which has one hundred and sixty thousand index cards. In our reading and map rooms are all the principal newspapers and magazines of Latin America, as well as maps and atlases and

directories and every other kind of published informative matter which will spread the knowledge of Latin America throughout the United States and a knowledge of the United States throughout Latin America.

That organization, defined in a sentence, before I conclude my observations upon it, is the official, international organization of the twenty-one American republics—the United States, and its sister Latin American republics—controlled by a Governing Board made up of all the plenipotentiaries of the Latin American countries in Washington, and the Secretary of State of the United States, who is Chairman, ex-officio; maintained by their joint contributions, each government paying just that part of the annual budget of expenses that its population is a part of the total population of the twenty-one republics; and administered by a Director General and an Assistant Director who are not appointees of the President of the United States in any sense, except that he has a one twenty-first vote, but appointed by all the Presidents of the western hemisphere, expressed through these representatives upon the Governing Board. Therefore, I have the honor, as I stand before you tonight, of being the only international officer upon the western hemisphere. And there is no other officer in the world that is thus elected to serve as the executive officer of an organization of a large group of nations such as is the Director General of the Pan American Union. This is said without egotism, for it was, and will be, equally true of, respectively, my predecessor and successor.

What I say to you tonight, therefore, is not based alone upon my experience and my patriotism as a citizen of the United States, but upon my knowledge of all those countries lying south of us acquired by my traveling through them, by my studying them, by my trying to get behind, as it were, their thoughts; by my endeavoring to read the mind of the Latin American and think as he thinks. With my experience as your Minister in three of those countries—Argentina, Colombia and Panama—and my ten years' experience as the executive officer of the Pan American Union, I feel as if I had reached a point now where, whenever I talk to a Latin American, he has the feeling that he is talking

to one whom he understands just as well as he understands his own countrymen; and where I have the feeling, when I talk to an Argentine, a Brazilian, a Colombian, a Chilean, a Mexican, a Guatemalan, a Cuban, a Venezulean, or a man of any other Latin American Nationality that I have when I am talking with any of my friends or my kin here in the United States.

Now then, with that platform, as it were, to stand upon, with the eyes of the Pan American Union to look through, we come to the next and a very important phase of the evening's discussion. When I accepted this invitation, I said such an organization is worthy of some particular message that represents my real thought at this moment; and I weighed my thoughts very carefully. I went over this message, time and time again, and finally I boiled it down into a few words, comparatively speaking. I did not want to trust to extemporaneous utterance. It will take me only a few minutes to read it, and I hope it will sink deep into your minds, because it is inspired by a phase of the present situation that I do not think we have considered as carefully as we should have.

The air has been full of talk about preparedness, not only in organizations like this, but at social dinners and even in the cabarets. Everywhere preparedness has been talked about, and yet not one speech in a hundred, not one conversation in a thousand has come down to the basic question: Why this preparedness? Now, naturally, the answer is, unpreparedness! Of course, I admit that, but on what ground is any country going to test the preparedness of the United States? That is the question, and there is only one answer, absolutely, and that is the Monroe Doctrine! There is no other possible great basic question in our relations with the nations, not only with those across the Atlantic but with those across the Pacific. With that thought in mind I wrote these words—concerning which I make only one reservation, as I do for all I say in this address, and that is that they of course express my personal views only and do not in any way commit the attitude of the members of my Governing Board:

"Illinois has a most direct concern in the present Pan American situation. No other state, unless it be New York, has an

equal interest. The vast manufacturing, financial and agricultural development of Illinois will be surely affected in the future by the growth of commercial, financial and political relations between the United States and each one of the twenty Latin American Republics that they cannot be blind to their responsibilities of this very hour.

"Speaking with the sincerity, first, of one who for fully fifteen years has regarded Illinois as his home state, although obliged in humbly serving it abroad and in Washington to be absent much of the time, and, secondly, of one who by his official position as United States Minister in several Latin American capitals, and later as the only international officer of all the American governments in Washington, has been unavoidably brought more intimately than possibly any one else into close touch with Pan American affairs, I appeal to you lawyers, representing the whole state, and, through you, to the men and women of all callings, to realize that the *United States is today face to face with an extraordinary crisis which may determine forever whether it will be an honored leader or a despised laggard among the nations of the western hemisphere and hence throughout the world, and for which it must prepare.*

"The ominous possibilities of what may happen at the conclusion of the European war involving, first, a final test by Europe or Asia of the real meaning of the Monroe Doctrine, and, second, an unprecedented and merciless competition of Europe and Asia with the United States to regain and enlarge their lost trade in Latin America, must be fully realized and prepared for! Illinois has too much at stake directly and indirectly in the outcome of such portentous development to sit by quietly for a moment and let the procession pass on.

"Illinois must realize what Latin America means to the United States and what the United States mean to Latin America. Illinois must grasp the fact that the very life and integrity of this great nation may depend upon preserving the integrity of each and all of the Latin American Republics against conquest at the hands of an European or Asiatic foe. Illinois must know that if European commerce driven by the war to desperation to recover

its former vigor and position, gains the upper hand in Latin America after the war, it will be a question of long and exhausting years before the United States will be able to achieve leadership.

"While all Americans throughout all America—Pan America—from the United States south to Argentina and Chile, hope, pray and even believe that no European or Asiatic nation, or group of nations, will dare or be inclined to test the Monroe Doctrine through war with the United States and its sister American republics, and while it would seem a convincing argument that no victorious or defeated nation or group of nations will have the temerity, strength or desire to engage in another conflict with a fresh foe of such vast potential resources as the United States and its sister neutral countries of America, yet there is no such thing as absolute security in this grave situation.

"We cannot forget the cold blooded fact that now stares Pan America in the face: *Whichever way the war ends, there may be no love on either side for the United States and its sister neutral American republics. The victors may say that they won in spite of the United States and the other American republics; the losers may say that they lost because of the United States and Latin America.* The present serious diplomatic differences between the United States and both warring factions, the tone of the press of both sides, and the reports of newspaper correspondents and other Americans returning from Europe *confirm beyond question this statement.*

"Now then, the passions aroused by the war may be so terrible and lasting, the feeling of resentment on the part of the conqueror and conquered may be so keen and persistent, and the overwhelming sense of power that will result from the possession of a mighty veteran army of trained soldiers and a great armada of ships and sailors, and, again, the lust for the unimpovertished wealth and resources of the United States and Latin America to aid in paying the debts of the war and in recouping from its effects may be so appealing and impelling to the passions of the all-powerful victors that no man, no matter how sincere and earnest a pacifist, can confidently for a moment declare that the United States and Latin

America are absolutely safe against such dangers.

"It is the knowledge of such possibilities *that should inevitably evolve the Monroe Doctrine into a Pan American Doctrine, belonging as much to Latin America as to the United States.* With the Monroe Doctrine more alive than it has been since its declaration in 1823, the European war is forcing All America, in spite of the critics of the doctrine, in spite of its opponents and traducers, in spite of itself and its friends, and even in spite of whether Latin America wants it or not, to nail the standard of the doctrine to the mast of the Pan American ship of state and to stand by it now and hereafter as a Pan American doctrine and principle of international as well as of national integrity and defense. This should mean that for their own individual and collective salvation the *governments and peoples of Latin America would stand with all their moral and physical power and with all their resources for the sovereignty of the United States if it should be attacked by a European or Asiatic foe* as quickly as the United States would stand for the integrity and sovereignty of any or all of the Latin American republics if they should be assailed by an enemy from beyond the eastern or western seas.

"Realizing this extraordinary situation, let there be inaugurated in Illinois a widespread Pan American movement which will educate its people to the importance of the political and commercial relations of the United States with Latin America. Let Illinois develop a new appreciation and knowledge of our sister American republics and peoples. Let Illinois in its universities and colleges, in its public and private schools, and in its commercial, professional, social, fraternal and labor organizations, take up the study of our sister republics, their history, their commerce, their resources, their civilization, their language, their literature, and their institutions. Let Illinois stand for the new Pan Americanism which means the development of a solidarity of permanent interest, an interdependence of commerce, finance and trade, an exchange of ideas and knowledge, a unity of political and economic purposes, a common preparedness and defense that will make Pan America and Pan Americanism forever the chief factors in world progress, world civilization and world peace.

"If what I have said arouses further interest in the Pan American opportunity and responsibility, I ask you to communicate with me at the Pan American Union in Washington, where that great organization, devoted to the development of commerce, friendship and peace among the American republics, is always ready to promote, through the spread of reliable information, the cause of practical Pan Americanism."

I thank you for bearing with me so kindly while I read that message to you. I realized that while I read that many of you were thinking: Mr. Barrett, have you not exaggerated? Have you not exaggerated the meaning of Pan America? Have you not exaggerated the power of Pan America?

Now, let us see, what does Pan America mean? Literally, it means just what it says, All America. But in the definition of it today we do not include Canada or the other dependencies of European countries. Therefore, by Pan America we mean the twenty-one republics that reach from the United States and Mexico and Cuba on the north, to Argentina, Uruguay and Chile on the south. Do you realize that those twenty-one countries have an area of twelve millions of square miles, or nearly three times the area of Europe, almost as great as the area of Africa, and two-thirds that of Asia, without including the four million square miles of Canada? Do you realize these twenty-one countries have a population of one hundred and eighty millions. Do you realize, for we say "commerce is the life blood of nations," that these twenty-one republics in the last year before the war, 1913, conducted a foreign trade with the rest of the world and with each other valued at eight thousand millions of dollars; in other words, eight billions of dollars? That is Pan America!

Now let us segregate Latin America from the United States, to see what the power of Latin America means. "Latin America" is the correct term to use in describing the countries that reach from Cuba and Mexico south, not "Spanish America." We should never use the term "Spanish America" unless we wish to differentiate the rest of Latin America from Brazil. Brazil, which is almost equal to a third of the total area of Latin America, is Portugese in origin and language. Latin America is the correct

phrase to use in describing this entire field south of us. Latin America comprises twenty countries, with a population of eighty millions, or eight-tenths of our population, which is increasing more rapidly than our own population, and which off from the great eastern and western routes of travel, and before the Panama Canal was in full operation, conducted an annual foreign trade of three thousand millions of dollars, or, in other words, three billions of dollars. And that, in turn, represented an increase of one billion of dollars, or one thousand millions of dollars in the last ten years!

Now, honor bright, if these countries to which we have given such little attention can build up a trade of three billions of dollars before this war, and increase that trade one billion of dollars in ten years, no matter what you may have thought of them before, are they not deserving of your closest attention and study?

As we look upon this great field, however, do not let us lump it all together. Do not let us put it in, so to speak, one mass, any more than we would put all Europe together. There are greater differences between groups of Latin American countries than there are between Great Britain on the one hand and the Balkan States on the other. There is more apartness between Argentina and Uruguay, Chile and Bolivia, on one side, and Central America on the other hand, than there is between England and Germany and France on the one side and the Balkan States and Russia on the other. This comparison is made with no reflection whatever on either grouping. And yet we are in the habit of lumping them all together, and we forget that each one of the Latin American countries is sincerely proud of its own individuality. The greatest mistake you can make is to call an Argentine a "Spaniard," or call a Cuban or Colombian a "Spaniard." You would not call an average man of any Latin American country a "Spaniard" any more than you would call a man who had lived in this country, or whose ancestors had been in this country one hundred years ago, a "German," an "Englishman" or a "Frenchman." You would call a "Spaniard" only the man who had kept his citizenship in Spain. And there are as great differences between the present up-to-date Argentine and Chilean and the old Castillian

Spaniard as between the average American today and his ancestors of Great Britain or Germany. That should be borne in mind always when you meet these men or engage in trade with them.

There are three great and interesting segregations of Latin America. The first comprises Mexico, the five Central America countries, and Panama, Colombia, Venezuela, Cuba, the Dominican Republic and Haiti which are largely tributary to the Gulf of Mexico and the Caribbean sea. They form a group that has nearly thirty millions of population, and an annual foreign trade of over seven hundred millions of dollars, which represents an increase of nearly one hundred per cent in the last ten years. And every port of their Atlantic coast line of nearly six or seven thousand miles is less than eighteen hundred miles from the average port of the Gulf coast of the United States. Nearly three-fifths of the commerce of this section is with the United States; hardly two-fifths with Europe. Today over two-thirds of the travel of these countries is back and forth with the United States instead of with Europe. Think of the enormous potentiality of these countries, covering an area equal to all that portion of the United States east of the Rocky Mountains, within eighteen hundred miles from the average Gulf port of the United States, or less than the distance, almost, from the city of Chicago to San Francisco! Under the influence and the example we have set at Panama in mastering and conquering the tropics, one of the most wonderful changes the world has ever known has been wrought along the low-lying, pest-ridden line of Central America and South America on the Caribbean Sea and Gulf of Mexico, which was formerly only the home of incipient revolutions, and has now become the home of prosperous cities and progressive peoples; and a vast area that no man penetrated is being made literally into gardens to supply the food products that the United States needs, in the form of bananas and other fruit foods.

The second great segregation is that western coast of South America that has five thousand more miles of coast line from Panama to the Straits of Magellan upon the Pacific Ocean, including the coast line of Colombia, Ecuador, Peru and Chile, with Bolivia tributary through Peru and Chile. There we have a popu-

lation of fifteen millions of people and an annual foreign trade of over five hundred millions of dollars, which it conducted before the Panama Canal was opened, in spite of the difficulties of approach through the Straits of Magellan. As you sail up and down that western coast line it looks barren and disappointing, but if you travel back into the interior you will find it possesses just as great potentialities for development as had California, Oregon and Washington, when they were first tapped by the railroads from the east and aided by the capital and emigration from the eastern part of the United States. Now, with the Panama Canal in full operation, as we hope it soon will be, and that coast made accessible to our commerce and our capital, there is no reason in the world why it should not go forward to just the same kind of marvelous development as California, Oregon and Washington and the states back of them, tributary to the Pacific coast, all enjoy.

The last of these mighty segregations is on the eastern side of South America, including vast Brazil, great Argentina, and little but resourceful Uruguay and Paraguay. Here we have a population of thirty to forty millions of people; an annual foreign trade of one billion, six hundred millions of dollars; an area of over four million, five hundred square miles, or greater than the entire area of the United States by a million and a half square miles, and yet still in the infancy of its development!

Now you possibly say: "Mr. Barrett, you are impressing us with these facts, but we want to ask you one or two questions." And I am very glad you thought of those questions, because they are natural, and I always believe that it is not fair to any audience for the speaker to have it all his own way! So, as you are asking those questions in your minds, I am going to answer them.

You say: "Now, Mr. Barrett, this is interesting, we admit, but what about the instability of those governments? What about revolutions?" That is the first bogey! I am not good at destroying bogey at golf, as the majority of you, I presume are, but there are some bogeys in regard to Latin America that I love to kill, and the first one is in regard to revolutions. It is unfortunate that we have this prejudice because of sad conditions in one or two of these countries, and have not realized the interesting fact that

three-fourths of all Latin America in area and population has known no revolution whatever in the last twenty-five or thirty years!

Honor bright, then, gentlemen, on what ground shall we be so unfair as to speak of them, as to segregate them all in one mass as revolutionary lands? While we are speaking of revolutions, let me say this: Latin America may have had many internal or civil conflicts, but the continent of Europe has had three times as many international wars, which are really the test of meanness and hatred, than have had the twenty Latin American countries during the last one hundred years! These revolutions have been *evolutions* rather than *revolutions*. Seventy-five per cent of the revolutions of Latin America have been evolutions into an improved condition! Some of them have been serious and terrible trials; some of them have not been evolutions into better conditions; but the majority of them, as history tells us by careful study, have been in that direction.

Then you say: "Yes, supposing you destroy that bogey, what of the climate? They are all tropical countries, Mr. Barrett, they are under a hot sun where great races can not develop." I am glad you asked that question, because I remind you, with all due respect, that God thought all that out before ever this Association had it in its mind!

First, we must bear in mind that all the great southern end of South America is in the south temperate zone. Southeastern Brazil, off of Uruguay, practically all of Argentina, part of Paraguay and practically all of Chile and, you might say, a large part of Bolivia because of its altitude, are in the south temperate zone. In other words, there is an area down there equal to all that section east of the Rocky Mountains, in the south temperate zone, with the same kind of climate that we have here in the United States. And how many of you realize that Argentina has a greater reach from north to south in the temperate zone than has the connected area of the United States of North America?

"Well," you say, "I can not deny that you have answered that question, but what of the great tropical belt itself?" Again, I answer, the wisdom of the Maker of all things settled that ques-

tion before we thought it out. I do not know how many of you have traveled much through the tropical countries of Latin America, or how many are familiar with the delightful and wonderful experience of becoming intimately acquainted with a mule's back! It was my privilege to make a journey of over two thousand miles through the Andes of Colombia, Ecuador, Peru and Venezuela, and I learned more ways of getting on and off a mule than there are days in the year! It is sometimes a good way to get acquainted with these countries. All through Colombia and Ecuador and Venezuela and Peru and in the Central American countries there are remarkable plateaus averaging from twenty-five hundred to ten thousand feet in altitude and right under the Equator, but they have a climate the year around, practically, such as they have in New England or in northern Illinois in June or in September.

When I had the honor of being your Minister in Bogota, the Capital of Colombia, almost within a stone's throw of the equator, I never saw the thermometer in my library go above 79.; and every night in my sleeping room it went down to 59 or 60. And that is only one of a half dozen of such plateaus throughout that wonderful country. In time, when railroads are built from the coast line into the interior; when these great plateaus are made fully accessible; when foreign population and commerce come in, you are going to see a mighty change that will harness the almost immeasurable wealth of those mountains. The great water power of the Andes will be harnessed and irrigate those vast plateaus, bringing about a change which will astound the world.

The next bogey you throw at me is: "But why can't we do a bigger trade down there?" Now, I love to see that bogey thrown at me, because I do like to hit it with all my might!

Do you know that there is no greater error today, absolutely widely prevalent throughout this country, from the President of the United States down, than that the United States has not been doing a big commerce in Latin America, and that we are behind Germany and Great Britain? For the life of me, I can not understand why so many Senators and Congressmen, so many editors, so many so-called authorities on Latin America, will look straight

at the blackboard, see the exact facts and figures that can not be denied, and still say, what a pity that we do so little business in Latin America, and that we don't know how to build up our trade! Ninety-nine per cent of the men saying those things are still looking through the glasses of eight, nine and ten years ago, and they have the temerity, every now and then, to quote speeches which I made eight and nine years ago when those conditions were true!

Here is a fact for every one of you to put in his pipe and smoke over: In the year 1913, the last peaceful, average year before this war, before any of its influences could make trade greater or less, what happened? The total value of products exchanged between the United States and these twenty Latin American countries approximated eight hundred and ten millions of dollars. The total value of the products which Great Britain exchanged with these twenty countries south of the United States approximated six hundred and fifty millions, or one hundred and fifty million dollars less than our trade. How about Germany, of which we hear so much? The total commerce of Germany with the twenty Latin American countries in 1913 was approximately four hundred and ten million dollars, or practically only half of the total trade of the United States! I say, honor bright, why therefore all this talk, running down American manufacturers, criticising American commercial efforts, condemning American commercial methods? I will tell you why. It is because we take the isolated case of the man who doesn't know the field; we take the isolated case of the man who names the few countries where we are led by Germany and Great Britain, and puts these before us with such prominence that we forget the truth as to the entire field!

Which would you prefer, to have eight hundred and ten millions of dollars of trade with all Latin America and be beaten out by Germany in two or three of the twenty, or have only four hundred and ten millions of dollars in all Latin America and let Germany have eight hundred and ten millions?

It is true that in three or four of the countries of South America we are led, decidedly, by Germany and Great Britain in certain respects. But why should we pick out those few countries and draw

that conclusion for all Latin America proper? South America proper has ten of the twenty countries of Latin America. We are led only in a few by Germany and Great Britain. But here is the fact that is most convincing of all: During the last ten years the United States has increased its trade in volume and value in those countries, even in the countries where we are beaten out by Germany and Great Britain, faster than have either of those countries.

This does not mean that we shall not make a supreme effort, just the same. It does not mean that the Chicago Association of Commerce, and all the other Illinois organizations, shall do everything in their power to educate our people in the trade of that part of the world. This wonderful development we have had is due to the remarkable efforts of manufacturers, exporters and importers, many of whom are right here in Chicago, and deserving of splendid credit for what they have done. You are drawing conclusions without thinking of numerous manufacturers here in this State and neighboring states and in this and other cities, who for years have been doing a growing trade in Latin America and know conditions down there perfectly. The thing is to get the average manufacturer and the average business man to go ahead on the same basis that these other men have done and build up a trade that will distance all Europe so that it will be impossible for it ever to displace the United States from its position. That is what, today, I am urging upon the American manufacturers to consider.

The final bogey is this: You say, "Mr. Barrett, what of this distrust, what of the dislike of the Monroe Doctrine?" That is a very foolish idea. The trouble is, again, that here we draw a conclusion from isolated cases. If one writer or editor down in Argentina comes out with an article or editorial against the Monroe Doctrine or the United States; if one editor inveighs against them, it is repeated up here by all of our papers and statesmen as the opinion of all Latin America. Very likely not one of the greatest authorities of that country said anything to that effect. Not long ago the late President of Argentina wrote a book against the Monroe Doctrine, and many people here threw up their hands and said: "Look at that; I told you so!" But it

didn't create a ripple in Argentina. You read the editorials of some of your Chicago and New York papers, and you think that he apparently voiced the sentiment of all Latin America! They overlook what Mr. Romulo S. Naón, that able, progressive young Ambassador of Argentina is preaching over this country. They listen instead to a man that was already half in the grave when he wrote his Anti-Monroe doctrine book. They listen to the sophistries of Anti-American orators but pay too little heed to the words of a leader like Eduardo Suarez Mujica, the Ambassador of Chile, who knows the sentiments of these countries more than these men who seek only popular favor.

If I had time I could read to you parts that I have picked out from a chapter of a book that I am now writing on Pan Americanism, and I could prove to you beyond question that not a word of credit should be given to talk *against* the Monroe Doctrine. The Monroe Doctrine was born in the spirit of Pan Americanism. It was born in the spirit of the relationship among the nations of the western hemisphere. Pan Americanism was a mighty influence in this country twenty-five years before the Monroe Doctrine was declared. I could quote here, if I had the time, the words from that great character of Venezuela, Miranda, in 1788, which were almost as remarkable as those of Monroe. And then I could quote to you the words of Simon Bolivar, the George Washington of Northern South America, who pointed out the necessity of Pan American co-operation along the very lines that the Monroe Doctrine specifically brought out. When Bolivar made the call for the first great Pan American Conference which met in Panama in 1826, he repeated sentiments that he had uttered a score of times during the past twenty years.

Juan Pablo Vizcardo y Guzman, a Peruvian patriot and priest, in a paper he left with the United States Minister in London, where he died in 1798, urging independence for his countrymen of South America said:

"The recent acquisition of independence by their neighbors in North America has made the deepest impression on them."

Dean Gregorio Funes, an Argentine patriot, wrote in 1819:

"The North American Revolution, and the recent French one, revived among us the natural rights of man."

The President of Chile, when he received Joel Roberts Poinsett, as United States Consul General, on February 24, 1812, said:

"That power (the United States) attracts all our attention and our attachment. You may safely assure it of the sincerity of our friendly sentiments."

In the famous "Declaration of the Rights of the Chilean People," made by Juan Martinez de Rosas about 1810, he gave expression to the following remarkable Pan American sentiments, which might apply almost as well today as they did then:

"1. The people of Latin America cannot defend their sovereignty single-handed; in order to develop themselves they need to unite, not in an international organization, but for external security against the plans of Europe, and to avoid wars among themselves.

"2. This does not mean that the European states are to be regarded as enemies; on the contrary, the friendly relations with them must be strengthened as far as possible.

"3. The American states must unite in a congress in order to endeavor to organize and to fortify themselves * * * The day when America, united in a congress, whether of the two continents, or of the South, shall speak to the rest of the world, her voice will make itself respected and her resolve would be opposed with difficulty."

Think of it! Every Latin American country approved of those sentiments then, to unite Pan America not in an international organization, but for external security against the aggressions of Europe and to avoid war among themselves. Do you ever want better Pan Americanism than those sentiments expressed one hundred and six years ago, by the people of Latin America?

Pan Americanism does not mean that European states are to be regarded as enemies. There is nothing in Pan Americanism that is antagonistic to Europe unless Europe so desires to construe it. On the contrary, the friendly relations with them must be strengthened as far as possible.

Do you know that in 1811 President Madison sent a message

to Congress that embodied almost the words of the Monroe Doctrine? Then again Samuel Mitchell, member of Congress from New York, on December 10, 1811, introduced a resolution, which was unanimously approved by Congress, and contained practically all the sentiments of present day Pan Americanism and also of the Monroe Doctrine. In 1812 John C. Calhoun announced his conversion to the cause of Pan Americanism, and the necessity of the United States standing with the Latin American countries in their efforts to gain their independence. You know the hold on this country that the great Jefferson had. In 1808 he wrote to Governor Claiborne, at New Orleans, in reference to the Cuban and Mexican war: "Consider their interests and ours as the same, and the object of both must be to exclude all European influence from this hemisphere." Thomas Jefferson said this in 1808! And yet they try to make us think that England and Canning deserve the credit for inspiring the Monroe Doctrine, declared in 1823! Jefferson, again in 1820, three years before the declaration of the Monroe Doctrine, expressed those same sentiments. Down in Buenos Aires, in 1810, they discussed the necessity of Pan American action to defend the new sovereignties which were arising in the western hemisphere.

You know the trouble we are having today with Colombia, and yet Torres came from Colombia as the first diplomatic representative of Latin America and in 1816 demanded of the American people that they should write a Monroe Doctrine. He did not call it that, but urged that they should express sentiments to the same effect.

And so I might go on, quoting and quoting. I have only touched a few of the high places, in order that you may realize that what we are trying to do today is only carrying out what was started long ago. And do you stop to think that there is no greater Pan American in all American history than Henry Clay? Do you realize that when Henry Clay died he said that he believed his greatest service, or the one that would last the longest in history, was what he did for the republics of Latin America? The greatest speeches Henry Clay delivered in Congress were those of 1816, 1817, 1819 and 1820, in behalf of the Latin American

countries. It was he who responded to Bolivar's appeal for a Pan American Congress at Panama in 1826, and who sent delegates after the United States Congress had three times refused to make an appropriation, although they arrived too late. Just before Bolivar died he wrote a wonderful letter to Henry Clay and invoked the praise of future ages upon him for making the independence of the Latin American countries possible.

And what of Daniel Webster? His greatest service in his later years was his allegiance to the Monroe Doctrine inspired by the spirit of Pan Americanism which it carried.

These are things we must weigh carefully and surely, when we are studying this great Pan American situation and are trying to understand relationship of the Monroe Doctrine to the present.

Today there is this great thought in the minds of nearly all Latin American statesmen: We are coming back now to just where we started the Monroe Doctrine; that today, in 1916, it is just as necessary, and perhaps more necessary than it was in 1816, only extended and unfolded until we have a mighty organization of twenty-one governments to stand back of it and make the world respect it, whereas then there was only one independent nation in the western hemisphere that could stand for it.

Gentlemen, Latin America objects not to the Monroe Doctrine in itself, because the study of history will not permit it. What it objects to is the interpretation that so many of our statesmen and essayists and writers and authorities on international law have given it, upon their own authority. Latin America objects to the idea of superiority and patronage on the part of the United States. Latin American nations are ready to accept the Monroe Doctrine as a Pan American policy which recognizes their equality with the United States.

I wish I had time this evening to take you, so to speak, for a birdseye view of some of the remarkable features of Latin America. I could tell you how we could put all of the connected area of the United States inside of Brazil, and still have room for Illinois twice over. I could tell you how, out of the Amazon River every day flows a greater volume of water by five times than out of the Mississippi and its tributaries, plus the Columbia; how Rio de

Janeiro, its famous capital is located on the most beautiful harbor in the world and has a population of one million two hundred thousand. How Uruguay, which is an ambitious state to the south of Brazil, has a capital, Montevideo, with four hundred thousand population, and has expended ten million dollars on a great harbor for the growing trade of the Atlantic Ocean. I wish I were an orator that I might do justice to that fair land of Argentina, where I was once your minister. You could put nearly half of the United States inside of Argentina. Buenos Aires, its capital, is the largest Spanish speaking city in the world; the largest city in the world south of the equator; the second Latin city of the world, ranking next to Paris; the third city in the western hemisphere, ranking after New York and Chicago; a city which today has a population of 1,750,000; a city that thought little of spending twenty-five millions for a great subway system; forty millions for a great system of docks and wharves; and twenty millions for a broad avenue through the heart of the city. It possesses the finest club in the world the finest opera house in the Americas, and, with all due respect to the News, the Herald, the Tribune, the Post, the American and the Journal, it possesses the finest newspaper plant and building in the wide world!

Then I would like to take you over the great railway systems of Argentina, and into the interior, to realize its possibilities, but I have not time.

So across the Andes we fly, and come to remarkable Chile. We do not stop to think that we could put the whole Atlantic coast, from Maine to Florida, inside of Chile; that, if we put the south end of Chile down at San Diego on the Mexican line, the north end of Chile would not stop at Oregon, at Washington, at British Columbia or at the Alaska line, but reach away up into the heart of Alaska! We do not stop to think that Chile is a country with nearly three hundred thousand square miles, often called the Yankeeland of South America, in the south temperate zone, directly south through the Panama Canal. We do not stop to think that Santiago, its capital, sometimes called the Paris of the Andes, has a population of five hundred thousand, and that at Valparaiso, Chile's port, a city of two hundred and fifty thousand, they are

building a great artificial harbor that will be the finest of its kind upon the Pacific.

We do not stop to think that into Bolivia we could put Texas twice over and then add this wonderful state. Into Peru we could put the whole Atlantic coast from Maine to Georgia. And we forget that down there in Lima, its capital, they had a university one hundred years old, before John Harvard or Eli Yale thought of founding the universities which carry their names.

And then there are Ecuador and Paraguay. I might speak of them, but I have not time. In either of them you could put Illinois twice over and a little more. And then: Colombia and Venezuela. Just think of it! From the most southern port on our coast line, Key West, to the nearest point of Colombia or of Venezuela is less than the distance from New York City to Kansas City! Into Colombia, with four hundred miles of coast on both the Atlantic, or Caribbean, and the Pacific, you could put the entire German Empire and France. In Venezuela you could include the greater part of France and Spain.

And so I might go on describing Panama, the five Central American republics, Mexico, Cuba, the Dominican Republic and Haiti, but I have not time, beyond reminding you of a few general facts.

Do not think for a moment that I speak of Latin America as being an El Dorado; it has its shortcomings. There are serious difficulties facing our commerce and our trade. There are real discouragements ahead of us before we shall have all of the conditions that we desire. But what would our country be, what would Chicago be, what would this great Mississippi Valley be, if it had not been for the fight that our ancestors had to carry on to evolve present conditions? What would our own Pacific coast be, and our mountain country, except for the overwhelming difficulties of all kinds that our ancestors fought and mastered before those sections reached their wonderful, present day civilization and progress? We must not expect that in a twinkling of an eye there is any magic that can suddenly transform Latin America into an ideal part of the world. It will take time to evolve its new life. But the United States must lead the way.

Upon the Pan American future depend our life and our prosperity. Let us hope that when the European war is over, there may not a line go up and down the Atlantic Ocean with Europe and Asia on one side and Pan America on the other? And, fearful though the thought may be, let us pray that there may not a line go up and down the Pacific, with Japan and China on one side and Pan America on the other? But we must think of these things even if they seem remote possibilities. If, then, a line were drawn east and west, cutting off Latin America, with all of her resources and relationships, and finally another line, cutting off Canada, for we know her allegiance would be with another land, the United States would become the greatest Belgium in the war history of the world!

These are thoughts we must consider. They are not the words of an alarmist. They are not sensational sentiments. They are our sound suggestions, as we study the situation. As I go away I want to leave a kindly thought in your minds. I realize, from my experience in this world, that after all, the great controlling influence to weld nations together, just as it is the great controlling influence to weld men and women together, is sentiment; we may call it love! the most wonderful thing in the world. That same love is going to be the most powerful factor in holding the nations of the western hemisphere together in the future, for love among both human beings and nations is founded upon mutual confidence, upon trust of one in another, and upon the intimate association of those concerned. Now, then, how many of you have stopped to think of the great tie of sentiment that binds Latin America to us, without reference to what may be your thoughts about the commerce of the United States with those countries? How many realize that every one of these twenty countries lying south of the United States wrote its Declaration of Independence upon the Declaration of the Independence of the United States, not upon any document of Spain, of Portugal, of France, of Germany, or of Great Britain? How many of you realize that every one of these countries wrote its Constitution, not upon the Constitution of any European land no matter how close the ties of blood and language, but every one of them wrote its Constitution

upon that of the United States. Great Britain, Germany, France, have no such ties as these with any group of nations in the world. These are ties before God, that we can never break, because they are part of absolute history. And, no matter what may be the trend of future events, there are the facts as great mainsprings of inspiration for our interest in those lands and for their interest in us.

Then again there is the influence of the immortal Washington. The other day, when I went down to Richmond and into the rotunda of its old capitol, I almost fell upon my knees to worship, so to speak, the statue of Washington, because it was the figure, the original bronze, that Houdouin himself wrought, in the very time of Washington. And as I gazed at that figure of Washington, wrought when Washington was alive, I felt as if I were in touch with that mighty man of the early days of our land, and I was tempted, inspired, to say to him that I brought the homage of all Latin America, because history tells us this fact, that nearly every great general and patriot of Latin America, who fought for the independence of his land, at one time or another stated that he was inspired to make the struggle for the liberty of his country, by the example of the immortal George Washington!

I have now led up to the final picture that I want you to have in your minds when you go away; the contrast of the civilizations of Europe and of Pan America, as a reason why all of you should go out of this room tonight as sincere Pan Americans, not merely as citizens of this State and city and section, but as citizens of all the United States and of Pan America, with a responsibility greater than you have ever known before.

The operator turns the reel, the curtain rises, and the films move on. It is Europe? No, it is hell! We see nothing but armies, men and women, children, dynasties, civilizations, pouring over the brink of war's despair into the pit of hell! We see the mighty civilization of thousands of years being destroyed under the withering fire of the greatest conflict of forces that the world has ever known, and before long our eyes are closed in sheer weariness at the sight of destruction and death and ruin on every hand.

Then this curtain goes down, to rise again on another scene. The operator again turns the reel; the films move on; they portray Pan America and we see the marvelous picture of sister nations working harmoniously together; we see the great Pan American Scientific Congress in Washington, the greatest international gathering that Washington has ever known, the greatest Pan American gathering which ever met upon the western hemisphere, when two hundred official delegates, representing every country of the western hemisphere, with their wives and children, assembled under the shadow, as it were, or under the light, of the Capitol of the United States, and there sang the songs and told the stories of peace and love and friendship and concord and concert, as never before have been sung and told there in the history of this western hemisphere.

Finally the operator gives us one dissolving noble view, a Godly scene—a scene of prayer and thankfulness. It takes us down the Cordillera, down through Central and South America, far south to the dividing line between Argentina and Chile. There, fifteen thousand feet above the sea, with its snowy Andean peaks for a background, the rolling plateaus of Argentina on one side and the mountains of Chile on the other, we see standing high a heroic figure of the Christ, the Savior of men, erected there some fifteen years ago by Argentina and Chile, when, with greater cause for war than have had the countries of Europe, but inspired by the principles of Pan Americanism, inspired by the ideas of the civilization of the western hemisphere, inspired by a desire to set an example not only to Pan America, but to all the world, they settled their difficulties by arbitration and built this bronze figure of Christ, with arms outstretched over Chile and Argentina as if to bless them with everlasting peace; and then they inscribed upon its base an immortal sentiment which will always be an inspiration to all nations of Pan America and eventually of the world, to this effect: "Sooner shall these mountains crumble to dust than shall Argentina and Chile go to war."

(Long and continued applause.)

PRESIDENT MACCHESNEY: This completes our programme, but Ladies and Gentlemen, I think I may assure our guest of the

evening that I express our common opinion and common hope that we will leave this room with a larger appreciation of the importance, both of the extent and resources of South America and of our need to know The Other Americans more intimately, and that the relations of the countries of both North and South America may continue to be increasingly cordial, standing solidly together for the integrity of the Western hemisphere and its common purpose to serve and promote our common republican ideals.



Senator Theodore E. Burton
of Cleveland, Ohio.

DINNER
TENDERED TO THE
HONORABLE THEODORE E. BURTON
OF OHIO
AT HOTEL LA SALLE, CHICAGO
SATURDAY EVENING, MARCH THE EIGHTEENTH
NINETEEN HUNDRED SIXTEEN

Invocation

BISHOP SAMUEL FALLOWS

AFTER DINNER

INTRODUCTION

NATHAN WILLIAM MACCHESNEY

President of the Association

"DISTINCTIVE POLITICAL TENDENCIES OF THE TIME"

HONORABLE THEODORE E. BURTON

GUESTS OF HONOR

HONORABLE THEODORE E. BURTON
of Ohio

THE PRESIDENT'S TABLE

The President, NATHAN WILLIAM MACCHESNEY

At the President's right

HONORABLE THEODORE E. BURTON
 MERRITT STARR, ESQUIRE
 MR. CHARLES B. SHEDD
 JOSEPH W. MOSES, ESQUIRE
 MR. WILLIAM H. BUSH
 BISHOP SAMUEL FALLOWS
 MR. ALBERT M. JOHNSON
 GEORGE H. WILSON, ESQUIRE
 MR. GEORGE E. MARSHALL
 ALBERT G. WELCH, ESQUIRE
 MR. I. O. ACKLEY
 WALTER M. PROVINE, ESQUIRE
 A. F. REICHMANN, ESQUIRE
 FREDERICK A. BROWN, ESQUIRE

At the President's left

ALBERT D. EARLY, ESQUIRE
 MR. JOHN R. THOMPSON
 LOGAN HAY, ESQUIRE
 COL. GORDON STRONG
 ROGER SHERMAN, ESQUIRE
 MR. LEROY A. GODDARD
 HARRISON MUSGRAVE, ESQUIRE
 GEORGE T. BUCKINGHAM, ESQUIRE
 FREDERIC P. VOSE, ESQUIRE
 MR. IRWIN REW
 STEPHEN A. FOSTER, ESQUIRE
 JOHN T. RICHARDS, ESQUIRE
 MR. ARTHUR B. HALL
 C. M. CLAY BUNTAIN, ESQUIRE

PRESIDENT NATHAN WILLIAM MACCHESNEY: I take it that you came here, as I did, to have the privilege of listening to the speaker of the evening. But before I introduce him I want to make a brief reference to the Association. The Illinois State Bar Association, organized on January 4, 1877, has just been incorporated, and has elected today its first Board of Governors, consisting of the men who have heretofore been serving under the name of the Executive Committee; but in the change it has left one vacancy, and so the President, with the concurrence of the Board of Governors, appointed Judge Leslie D. Puterbaugh, of Peoria, to fill that vacancy. (Applause.)

The Association will hold its fortieth annual meeting on June 2nd and 3rd in this hotel, and at that time we hope to have a very interesting programme dealing principally with questions of law reform and with questions of international law.

Tonight we have the privilege of having with us a son of Ohio. I suppose a good many well known members of this Bar are from Ohio, at least Ohio would claim that it has had its share of successful men in every meeting. I remember as a lad attending a meeting of Ohioans at the Ohio Building at the World's Fair, and hearing President McKinley saying that while he would

not claim the people from Ohio were made of different clay from other people, he would say, without hesitation and without apology, that God had used especial care in the selection of the clay from which they were made. (Laughter.) Well, I am a generation removed from Ohio, myself, as most of you are, and we can hardly endorse that, though we must confess that Ohio has produced not only Big men in the public service of her own state but in the public service of the nation.

We have here with us tonight a man who has been lawyer, student, statesman and scholar; a man who started out in his early career as a member of our Bar in the office of a former President of this Association, Senator Lyman Trumbull, and who has since served the nation in Congress, where he has been interested particularly in the water ways and in the commerce of the nation and where he has done his part as a member of the National Highways Commission and of the National Monetary Commission. We are glad, I am sure, to have him here with us tonight. We are prepared to listen appreciatively to whatever views he may have to present, and are prepared to endorse him for them, though we cannot endorse him for any public office, because this is a non-political body. Senator Burton, I desire to present you to and to present the Bar to you. Senator Burton of Ohio. (Applause.)

SENATOR BURTON: Mr. President, members of the Illinois State Bar Association, and invited guests: As your President stated, I have another association with this body and with the bench and bar of Illinois aside from the fact that many Ohioans are here before me. It was in the years 1874 and 1875 that I was a law student in Judge Trumbull's office in the Reaper Block. Chicago was very different then from what it is now. I was reading in an encyclopaedia of high authority a few days ago, that the effects of the fire of 1871 were soon removed. I think I shall be compelled to contradict that statement, for in 1874 the scars were very manifest. The paths along which the conflagration had wrought destruction were still plainly in evidence. There were a number of vacant lots in what is now known as the loop district; here and there, there were considerable fragments of walls which had been left unremoved. There were high sidewalks

in front of many of the buildings, and steps, you might almost call them stairways leading from them down into the street. Pavements were poor. The early buildings were not of a very excellent type, many of them had been constructed hastily. Most, in fact nearly all of them have given place to the towering sky scrapers which now give a distinctive appearance to the business section of Chicago. This city, instead of two millions and a half, had then perhaps four hundred and twenty-five thousand inhabitants.

I remember, with the utmost distinctness, the lawyers of that day. For a time, after having given the morning to study, I visited in the afternoon, the courts, to become familiar with trial methods. In those days I saw men whose names, although they have passed away, are no doubt familiar to all of you: Melville W. Fuller; Corydon H. Beckwith; W. C. Goudy; John N. Jewett; Emery A. Storrs; Leonard Swett. There were others, no doubt almost equally prominent, among whom were two that had been for a long time in the United States Senate, Senators Trumbull and Doolittle.

My recollection is there were but six judges at that time, though I may be in error in that regard: Booth, Farwell, Gary, Jamieson, Rogers and Williams, I understand that number has been increased to thirty-six, with a very large number of Municipal Judges. The increase in the bench, no doubt, is an indication of the growth of the city and the greatly increased business of this later time. I trust these lawyers, and they really were very able men, are remembered, not only by the bench and the bar, but by the community. Rufus Choate, in a lecture once said that the work and reputation of a lawyer were ephemeral, he might be occupied with the trial of cases, but the idea conveyed by the lecture was that he did not attract that attention which is given to those who are engaged in public life or in many other callings. But who can exaggerate the influence of those men in determining the standards, intellectual and moral, of the bar today? Who can measure the part they had in the upbuilding of Chicago and standing guard, as it were, to see that rights were observed and in giving the benefit of legal advice to those who were then laying the foundation for this great city? So I say of them, and I say

to you, that the work of the lawyer is not ephemeral, whether those who belong to the profession enter public life, as many do, or continue the painstaking work of their profession, which sometimes seems without adequate reward, and certainly without any very considerable public mention.

I believe, Mr. President, it has been announced that I would speak on the distinctive political tendencies of the time. First, I wish to call your attention to some general facts and tendencies.

Political tendencies have a distinctive trend in definite directions which may continue for a decade, a generation, or even a century. During one of these long periods, specific issues are usually predominant, such as the merits of popular government, the relation of the nation to its constituent parts, or that of the state to the individual. In the midst of these general movements, there are much shorter periods during which sometimes questions of subordinate importance attract more earnest attention or more frequently there is a sharp reaction against the principal tendencies of the time. Just as in business there are alternating seasons of prosperity and depression, so in the political life of nations there are successive cycles of advance or recession in the degree of support given to policies and measures. A popular demand may secure full accomplishment or, may be partial success, or receive vigorous support for a time and then give way to opposing tendencies. There are potent and ever-present causes which prevent the uniform and continuous development of the greater movements. First, the existence everywhere of radical and conservative types. These two extremes with varying shades of opinion appear not only in the aggregate citizenship of nations having representative institutions but among members of political parties made up of those who are united upon certain underlying principles.

One of the most potent factors in our political life is the reaction against the party in power. After the passage of every tariff bill there is almost always loud complaint from those who had expected more, and from those who opposed it entirely. I remember in the latter portion of the month of September, 1890, being in the room of Mr. McKinley, then a member of Congress and head of the Committee on Ways and Means, at the Ebbitt House. He received, I would say, a peck measure of

telegrams from the manufacturers of steel in the country, in which they said that if the bill passed in the form agreed upon in the conference the steel industry in this country would be ruined. It is true he brushed them aside. On the other hand, every opponent of the tariff thought the bill was extreme.

Take the matter of pension legislation. The beneficiaries of these bills are not satisfied, while those who favor strict economy in public expenditure, are arrayed in solid phalanx against them.

It is a fact in our political history to which your attention may not have been called, that beginning with the administration of Andrew Jackson, the strength of the party in power in the mid-presidential election, that is, two years after the one in which the President is elected, has been less in the House of Representatives than at the presidential election. The year which came nearest to an exception was 1902. A few familiar illustrations will make this clear. In 1872 Grant was elected by an overwhelming majority, and there was a very large majority for his party in the House of Representatives. In 1874 there was a Democratic majority. In 1880 Garfield was elected, with a Republican House. In 1882 the pendulum swung to the opposite side and there was a Democratic majority. In 1888 Harrison was elected, with a Republican majority. In 1890, after the passage of the McKinley act there was an overwhelming Democratic majority. In 1892 Cleveland was elected, and with him a Democratic Senate and House of Representatives, and in 1894 the Democratic membership in the House of Representatives was almost swept from the hall.

Another reason for the cyclical movement is, broadly speaking, the difference between anticipation and reality. An alleged reform or change in policy when given actual trial may prove altogether disappointing. There is always difficulty in putting abstract conceptions into the form of concrete propositions, or to describe it otherwise, to embody theories in practice. Again, responsibility and the framing and operation of constructive measures impose far more serious difficulties than mere criticism or opposition. Promises are not subject to the same limitations as action.

Personal grievances as in the case of the disappointed office-

seeker are by no means a trivial factor in the vicissitudes of politics. After making due allowance for all these influences there still remains the psychological effect of human fickleness, a constant phase in every activity of life.

A President of the United States once sought to fix the exact time when the glamour of the office was removed and the executive began to be hampered in the performance of his duties. He said it was at the close of eighteen months.

There have been marked instances of changing currents in the political development of the United States. The two most striking illustrations are in the relation between the legislative and the executive departments, and in ideas as to the tenure of office.

Passing by the unsurpassed quality of the citizenship of the colonists, and their aspirations for civil and religious liberty, their conquering and adventurous disposition, the early political theories and policies of this country were profoundly influenced by the relation between the royal governors appointed by the Crown for the colonies and the popular assemblies elected by the people. The citizens had confidence in the latter and not in the former.

In the time of the Revolutionary War each of the thirteen colonies or states, with the exception of three framed a constitution, and when those constitutions were framed there were very decided features which spoke for the authority of the legislative powers against the executive. The tenure of the Governors was limited; nine of thirteen were limited to one year; in seven states there were prohibitions or restrictions on re-election; in five the Governor was chosen by the voters, in eight by the legislature or by one branch of it; in only two was there a veto power. In addition, there were short terms for the legislature; in South Carolina alone did the members of the lower house serve for two years. In ten other states they served for one year, and in two states, Connecticut and Rhode Island, they were elected for only six months. John Adams, who afterwards became a conservative, expressed himself that where annual elections end there tyranny begins.

The Continental Congress was modeled on the same theory,

the election was for a year; there were drastic restrictions upon re-eligibility. Those who framed its rules and constitution seem to have been imbued with the idea expressed by a prominent official of the United States a few years ago, that it was better to choose diplomatic officers, ambassadors and ministers to foreign lands, not on the basis of experience in diplomacy and knowledge of foreign languages or customs, but from those who were fresh from the people.

The inefficiency and weakness of the Continental Congress, which sought to control the conduct of the war by committees, caused legislative power to reach its maximum at about the close of the Revolutionary War; nevertheless paramount legislative authority combined with restrictions and provisions for short tenure and for a limited power of the executive remained for practically thirty years in the states. Meanwhile the Federal Constitution was adopted with its familiar provisions for a division of the legislative, executive and judicial powers. There was a strong executive. The term of the President was four years with no inhibition upon re-election; the term of senators was six years. Partly because of the favorable impression made by the federal government and partly because the people lost confidence in their legislative bodies, about the year 1815 the constitutions were changed. The terms of Governors were extended and the powers of the legislature were diminished. People had come to think legislators were extravagant in incurring debts; they were censured for granting bank charters and other special privileges with a freedom sometimes amounting to recklessness.

Then again, there was the difficulty of placing responsibility. Log rolling and bargaining were in vogue, methods which it is to be regretted, in a diminished degree, survive even to this day in legislative bodies. The result was the granting of the veto power, longer terms, more authority in the executive. Of course there was a factor in the growth of the country which had much to do with these changes. The general idea had been that the government should be very simple, but with the increase of industries, the growth of population, its operations became more complex. More authority was vested in officials and greater responsibilities were imposed upon them. This greater prestige of

the executive has, I think it may be said, continued to this present time. President Cleveland used the argument for the executive that he was the one man to whom every one of the people could come. Members of representative bodies represent limited constituencies, while the executive is supposed to represent the whole state.

It may be added, that one of the most notable illustrations of the tendency to increase executive power is in the recent disposition for commission government in Municipalities. It is useless for us to deny that this is measurably a denial of the theory that popular rule is entirely safe and reliable. The problem, of course, has been very much emphasized by the great growth of our cities, by their increase in population and the very much larger number of functions to be performed. But as you diminish the power of the legislative branch or decrease its number, or even have the members elected at large, just so far you do away with the old idea of representation. And, if you do away entirely with the legislative body and entrust the control of the city to a manager, as at Dayton and other places, you by that act deny the idea which in early days was fundamental, namely, that governments must be immediately responsive to the will of the people, and the people should be able to express their will in the readiest and the promptest way.

Passing by these illustrations in our own country, I desire to dwell upon some general tendencies and facts, not alone those which have been prominent in the United States but in all countries; all these have shown a potent influence in shaping the political institutions of this day.

A marvelous era of progress commenced in the year 1815, with the close of the Napoleonic wars. Prior to that time the prevalent condition in the world had been one of war, since then it has been one of peace, with occasional interruptions by war, especially this colossal conflict which is now pending. The whole civilized world witnessed a growth in invention, in provision for the wants of life and human betterment, all of which have made these hundred years since 1815 comparable in their achievements with all the centuries preceding. Progress has been accelerated since 1865. No one of you would dwell upon this present period

except with enthusiasm. It is useless for me to speak of the triumphs of science and of the effect of co-operation in the larger affairs of life which commenced about the year 1865. If there was any one great industrial or commercial event which marks the beginning of this later era, it was the opening of the Suez Canal in the year 1869, and until the beginning of this war the advancement was rapid and well-nigh universal. In the mean time the necessities of life are more readily obtained, comforts, luxuries, conveniences of every form have been infinitely multiplied. The swift steamship, the fast express, railroads which have been constructed even in almost unexplored regions of the earth, the telegraph, the cable and the wireless have brought the whole world into closer connection. What is the basis for this great advance? The main factor has been scientific progress reinforced by more general diffusion of knowledge, by quickening of the moral sentiments and increased appreciation of what the different social classes owe to each other. If we look at any notable period of improvement in human conditions or of progress in the liberalization of institutions, we will find that some great event or series of events immediately preceded it, such as the discovery of America, the invention of printing, the beginnings of the Italian Renaissance, the use of steam and its application as a propelling power in mechanism.

Political progress follows more tardily than social or economic progress. For this there are very palpable reasons. In the first place, there is the obstacle afforded by the power and prestige of rulers and privileged classes. Next to that the natural conservatism in relation to changes of government, which is manifest in monarchies and republics alike. Many theories have been most ardently advocated which, when tried, proved to be impracticable or falsely conceived. Again, in most of the physical sciences we can reach exact results, but government is a field in which the main feature is one of experiment and trial.

What are some of the illustrations of the effect of scientific discoveries and mental and moral awakenings upon political conditions and the tardy response of political institutions? The reigns of Queen Elizabeth, James First and Charles First might, in their cycle of events, seem to be the mere result of chance; they never-

theless indicate an orderly development. The time of Queen Elizabeth was one of great intellectual awakening. It was the golden age of Shakespeare and Spenser and Ben Johnson and of statesmen like Burleigh and Sidney and Raleigh, the day when England took a new position among the nations of the earth because of the triumph over the Spanish Armada. Next to her reign was that of James First, in which I would select, as the principal event the promulgation by Francis Bacon of the inductive theory, by which science, which had theretofore been sporadic and casual in its applications, sometimes a mere plaything, became an instrument for the utilization of physical forces and materials for the benefit of mankind. The next was Charles First, who lost his head, because the men of England had a broader outlook. By reason of the discoveries of science and the progress of knowledge which had preceded they would no longer submit to the arbitrary rule which had been prevalent in the time of the Tudors. The individual demanded that he have more to do in governing, that his relations to the state be more clearly defined, and thus the King, who stood in the way, was deposed.

In England the period from 1800 to the events which culminated in the passage of the Reform Bill of 1832 was one of unprecedented material progress. Means of communication were vastly increased by the beginnings of railways, the development of canals on a large scale. There was a growth of industrial organization in which sure and permanent foundations were laid for the future of manufacturing and trade in England. It was, however, at the same time, a period of political stagnation and Tory control, though there are some very bright spots in the way of humanitarian legislation, but in 1832, after these material influences had shown their effect, the Reform Bill was passed, and from that day to this there has been, with reactions now and then, a steady progress of liberalization in the government of England.

Take another illustration in our own country: We all extol Mr. Webster as the great expounder of the Constitution, and especially as the defender of the Union, and I would not detract one iota from his deserved fame as a lawyer and a statesman, but we must concede that he was a powerful contender swimming with the tide. When he delivered his speech in response to Hayne

in January, 1830, railways were beginning to develop in the country, canals were building; the printing press soon after multiplied infinitely the opportunities for the education of the public and for general information. Fourteen years afterward the magnetic telegraph was brought into use. All these had the effect of bringing the states of this Union as near together as had been the counties in the administration of Thomas Jefferson, and paved the way for a united and harmonious Union. But for all these factors working with him his expression, "Liberty and Union, now and forever, one and inseparable," that glorious sentiment, might have been the expression of an idealist.

I may say here, by way of digression, that when we take into account the quality of the settlers, their physical environment and what has developed in the way of material improvement, there were certain results which were inevitable in this new world. In the first place it was inevitable that the colonists would some day sever themselves from the mother country or countries; they would not submit to dictation from across the sea. In the next place, this was sure to be a country in which liberty and human rights would be emphasized as nowhere else in the world. Again, as the colonists passed across the Alleghanies and occupied the Mississippi Valley, it was inevitable that they would go beyond the Rocky Mountains to the Pacific, and the domain of the United States, a country of unsurpassed economic power and natural resources, would reach from the Atlantic to the Pacific. Another outcome that was inevitable was that this would be a united country. That was assured when means of communication were made perfect, as they were by the modern railway and steamship and means for the transmission of information by the telegraph. It is a geographical entity. If the disunionists had succeeded, the severance would have been only temporary, either the two portions would amicably have gravitated together or else one would have overwhelmed the other.

In saying this in regard to the effect of physical conditions and scientific developments, I do not wish by any means to be understood as maintaining that these are all, or to minimize the effect other mighty factors in the growth and perfection of insti-

tutions. There is a school made up of those who would say that men are shaped by the skies that look down upon them, by the mountains and the seas that surround them, and by the soil on which they live. Men, they say, are the creation of their environment. A Napoleon or a Washington does not arise because he has within him a soul of aspirations and strength of purpose; he is rather a creature of the time. No doubt men are very greatly influenced by physical environment, but patriotism, courage and lofty moral aspirations are not creations of atmosphere alone, nor is solidarity of national life and a vigorous aggressive spirit determined by the elevation above the plane of the sea. Blood tells. Religion and education have their effect, the traditions and ideals handed down from the fathers, the influence of great leaders of thought, so that all these mighty currents seen and unseen, combine in determining the forces which give shape and direction to the political life of nations.

And now, after seeking to analyze the effect of general facts and tendencies, what are the distinctive political tendencies of this time?

First, the growth of popular government throughout the whole world. This was never more in evidence than in the fourteen years up to those fateful days of August, 1914. We speak of the nineteenth century as the greatest of the centuries, but what of the first thirteen or fourteen years of the twentieth century? As regards the progress of democracy and in many achievements they almost equal the hundred years preceding. Let me indicate very briefly some of the results obtained. Portugal became a republic. The King of one of the prominent nations of Europe remarked, not altogether in jest, to a very distinguished American, that he intended to train his son, the Crown Prince, so he could be the President of a republic. In England propositions of almost revolutionary bent have been adopted or else are now pending. In Prussia there has been a demand for a revision in the suffrage; in Germany an agitation for a more responsible ministry, a movement which at least obtained many followers. In Turkey, a reactionary sovereign was overthrown. Although the Young Turks disappointed Europe and the world, nevertheless the source of

their strength was the promise of a responsible ministry and greater rights for the people. In Russia, the land of absolute monarchy, in the year 1906, the Duma, a legislative body, was organized, crude in its beginnings, dismissed by the Czar when it displeased him, but nevertheless the entering wedge for representative institutions. I might give numerous other illustrations in Europe, but pass on to India, the land of caste; in the provincial commissions, formerly consisted of six members appointed by the Governor General, the Council has been enlarged to sixty-six, and in that number there are twenty-five elected directly or indirectly by the natives of India. In far off China, the seat of conservatism since the world began; there a republic was established, may be not to endure, it is true, but the overthrow of the dynasty was certainly a most impressive illustration of the trend of the times.

Closely associated with the growth of democracy and popular representation is the movement for greater participation by the people in the government, as illustrated in our own country by the wide spread demand for the Initiative, the Referendum and the direct primary. I do not believe the thought of the country has reached definite conclusions in regard to these proposed innovations as yet, but I am sure they will not cause the havoc which conservative opponents say they will, nor will they accomplish the salutary changes which their advocates have maintained. If there is any one who thinks it is possible to reform human nature, or to change our citizenship and its standards by new methods or by legislation, he might as well dismiss his arguments for silly season discussion. Back of the initiative and the referendum and the primary lie the despotism of popular opinion, the ideals, the traditions, of the people, the willingness of the citizen to sacrifice his personal interest and devote a reasonable share of his time to the good of the state. If there are high standards in this regard we will have good laws, whether they are passed at Springfield or by the initiative. Officials of high standing will be named whether they be named at the primary or in the convention. Wherever the choice of officials is such that it does not commend itself to those elements in the body politic which are patriotic and of high ideals it is the fault of the people. A man

may fool the public once by making them think he is a proper man to elect, but he will not fool them twice. When he is tried they know whether he is a faithful public servant or not. I repeat here what I have said to other audiences, to you lawyers and business men: You are the priests in the temple of good government, if profane hands enter and defile the altars of administration, it is because you who should be their defenders, stand idly by.

The Roman Senate, which existed for a thousand years, was the best illustration of this. It afforded a marvelous contrast of that which is most glorious and that which is most shameful in national life; a contrast of love for the state and willingness to die for it, with cowardice and treason. Yet, in all those thousand years that Senate which sat on the hill of Rome was a perfect mirror of the Roman people. If they were subservient and cowardly and corrupt their government was bad. If they were patriotic and honest and strong, the government was fit to send its legions forth to conquer the world. In the days of Julius Caesar there was a disposition to go out and Annex Gaul, to extend the domain of Rome over all known portions of the earth. What does any one think would have been the result if there had been a referendum on the subject at that time? Why, you couldn't have stood against the all-compelling current of popular opinion and public sentiment. And then when, a hundred years or so later emperors were brutal and profligate, conditions could not have been changed by the initiative. A disgraceful regime existed because the people had sunk so low they were willing to submit to rulers unworthy of the Roman name.

I do not say this as opposing this tendency toward enlargement of the control of the people by direct legislation or the direct primary. Why, if there is a Senator to be nominated, and you can study his qualifications, or a Governor, well and good, leave it to the state-wide primary. Candidates will realize probably, that their burdens are somewhat heavier than they would have been under other methods, that they require a great deal of advertising and modesty must be thrown to the winds, but we can trust the people. They may make a mistake once or twice, but these methods do have a certain wholesome influence, the initia-

tive and referendum and the primary, in educating the people and in awakening their interest.

Then, in the matter of law making, suppose there is the question of the prohibition of the liquor traffic, or the question of woman suffrage, or the question in the city of issuing bonds for some great public improvement, leave it to the popular vote, if you will, that is well and good. But when it comes to a matter that is technical, to a matter in which but few are interested, or election to an office in which the qualifications—perhaps I should include judges—are not known and appreciated by the general public, the popular method, by the vote of all, is not well adapted to the situation. This tendency, however, whether it be temporary or permanent, is entering prominently into the discussions of the day.

The growth of popular government has not been without its checks, without occasional reactions. There was a school in England made up of such men as Southey, Carlyle and Tennyson, who derided the rule of the people. They believed in a strong government, in the leadership of a hero or of a man of strongest disposition and character. And there has been much discussion in our own country and elsewhere of the improvement in that which promotes human betterment in democracies as compared with other forms of government. There is much plausibility in the argument that humanitarian legislation and those things which have made for the progress of the race, have been very generally adopted in civilized nations wherever they are found. But we may be sure of this, that the growth of popular government is one of the dominant political tendencies of this day. No doubt it will be checked, and checked seriously by this war, which is likely to change the course of things the world over. Will it not be said that the administration which is strong, which can readily bring armies into the field, which can organize the army and navy to the highest point of efficiency, and demand the support of every citizen, is best adapted to this frightful time? Will it not be said that this is an occasion in which we should lay less stress upon the rights of the citizen and more upon his duties and obligations? And I say to you, as I have said to other audiences of my

fellow citizens, that it is for us, interested in popular government, to show that here in America, with a republic, we can be as strong in storm as well as in calm as any kingdom or empire on the globe. (Applause.) If we are interested in the growth of the rights of the people, that is a duty which rests upon us now, an awakened interest, a greater patriotism.

What are the benefits of popular government, theoretically? First, that the republic or democracy secures in a greater degree, the rights of the citizen, protects him against oppression. Second, that he has a voice in the selection of rulers, in the control of public affairs. But there is a third benefit which should never be forgotten; such participation should quicken the interest of the citizen in his government and make him cherish more earnest attachment for it and loyalty to it, so that he may promote the interest and welfare of that great whole of which he is an integral part. If that result is lacking it is a question whether the republic has an advantage over other forms of government.

The second great tendency to which I would call your attention is the growth of the spirit of nationality the world over. There has been no more potent factor in the political life of nations than this. I am aware that some persons contradict this, they point to the growth of the spirit of cosmopolitanism and say that the world is becoming one great financial and commercial republic; that means of communication are breaking down barriers. But just as one individual in a community that is alive and progressive, where development is the order of the day, assumes a greater degree of self assertiveness and has greater ambition so does the nation, in a family of nations, when the world is moving onward, as it is in this wonderful time. It is apparent in war and in peace. It may take one form in one country and another form in another. We have witnessed a united Italy. Why? Because it was thought one country, made up of those speaking the same language and having the same traditions would be stronger and more worthy of respect, than one divided as it had been.

We have witnessed a united Germany. Why? Local jealousies and rivalries were brushed aside in order that there might be a mighty nation far stronger than a German people divided into

principalities and separate kingdoms. We have witnessed the United States taking a new place at the council board of nations.

Some countries have manifested their ambition for colonial expansion or for spheres of influence; all for increased trade and commerce. This tendency is evident in every country and it is manifest that when this war is over, even now when it is in progress, the spirit of nationality will gain greater force, for it will be realized that not only does the citizen need the state for his protection and for his development, but the state needs the unswerving loyalty and support of every one of its citizens as well.

Just how far will the progress of democracy be affected? I have said that the growth of popular government will be checked somewhat by this war. No doubt ultimately the people will come into their own. But immediately, during and after the war there will be an insistent demand for a strong executive. The spirit of nationality, national life, national strength, will be predominant the world over, and the country that fails in this regard must fall behind in the rivalry between nations, whether it be in war or whether it be in peace. (Applause).

The next and the third great tendency that is universal is that toward humanitarian movements. These have been manifest in all civilized countries whatever their form of government. It has been maintained that the provision for the unemployed, old age pensions, care for the health, in Germany has been due to a demand for efficiency, while in England and the United States improvements in this regard have been due to the fact that the suffrage is more universal and that we have popular assemblies. I am not so sure that that is the case. There has rather been a widespread spirit of humanitarianism, of regard by the social classes for each other and the more fortunate for the less fortunate, that has pervaded every portion of the earth where there is a careful consideration of the interests of the whole. This has reached Germany as well as the United States and Great Britain, in fact, it was developed in most forms earlier in Germany than in other countries, and it would seem that there will not be any long continued abatement in this progress. It is true, the movement is subject to reactions, and very naturally. The difference be-

tween theory and practice is apparent here. There is a great deal of benevolence which is ill advised. It is one thing to make permanent dependents of submerged classes; it is another thing to help them to look upward. Much of the benevolent action of states, and even more, perhaps, of individuals, has looked to the waifs and wrecks of society as if they must be coddled, as it were. And thus, when the result of laws or private aid has shown that the policies adopted were failures there has been a reaction against this class of legislation and the methods of modern aid societies.

What is needed more than anything else is an intelligent comprehension of this problem which shall join judgment with mercy, a desire to make of each a citizen who can do something for himself and be a useful member of society. But this disposition to aid the weak, to lift up the fallen, has come, and come to stay. It permeates those who are the more fortunate and who have the larger means; it is a new duty which they feel has been imposed upon them, a regard which those who are blessed in the race of life should have for those who fall out by the way.

Another tendency, one of the greatest and I count four as specially prominent in this time, is the different idea of the relation of the state to the citizen. In the middle of the last century the doctrine of *laissez faire* prevailed in England. It was the accepted doctrine that the best method for government was to restrict its agencies with reference to individuals, to the protection of their rights and the punishment of wrongs; to the defense of its citizens against foreign aggression. I will refer briefly to what Mr. Mill and others said upon this subject, because they express, I think, in the best language, the prevalent theories in England in this regard. Mr. Mill said that the only purpose for which power could be rightly exerted over any member of the civilized community against his will was to prevent harm to others. His own good, physical or moral, was not sufficient warranty for governmental interference. The only part of his conduct for which he is responsible to society is that which concerns others.

Mr. Macaulay said that government had better undertake little else than strictly political duties.

It was the general policy in England—I quote from Mr.

Dicey, that the state, as a matter of prudence, ought not to enter upon the performance of any activities which were or could be performed by individuals free from state control.

Mr. Buckle went even further and said that the aim of government was not to do something new, but to undo something old; it was rather to untangle and remove the effect of the mistakes which had been made by prior governments.

The beginning of humanitarian legislation in England, as manifested by factory and other acts, it is strange to say, was not from a party democratically inclined, but from the Tory party. The first beginnings were in the earliest decade of the last century. A notable landmark was the Ten Hours Acts of 1848 and 1850. So strongly were those who then or later have been classed as liberals in favor of the idea of absolute freedom of contract and the absence of control by the state over the activities of individual citizens, that men like Bright, Brougham and Gladstone, Peel and Cobden, Cobden somewhat less than the rest, opposed these acts and opposed them strenuously. Mr. Bright perhaps the most advanced liberal of them all, was the most vigorous antagonist of this class of legislation.

Little by little this idea of non-interference has given way to another idea, that society is one great whole; that the growth and strength of the government should not proceed from the individual to the center, but should go out from the center toward the circumference; that every citizen is the ward of the state and that paternal care should be exercised over him; that the activities, the methods, the contracts, of all the citizens, high or low, rich or poor, are fit subjects for legislation by the state, and the state will not perform its proper functions or attain its best position without legislation which will define the relations of classes to each other. This tendency, at least in England, has become thoroughly manifest, with slight reactions now and then.

The doctrine of *laissez faire* was decried in Germany by Bismarck and others long before these changes in England. Bismarck said, in speaking of the doctrine that it meant "he who was not strong enough to stand up must be knocked down and trodden on the ground." Another time Bismarck said it meant "To him

that hath shall be given, and from him that hath not shall be taken away even that which he hath." There has been manifest for a long time under the present dynasty in Germany and prior thereto in Prussia, a regard for the welfare of the poorer classes. Emperor William I. said that the strength of the state was allied with the well being of the common people. The object of efficiency has no doubt been very prominent in Germany. The Imperial Minister of the Interior once stated that the vast industrial expansion of the German Empire was chiefly due to the efficiency of its workers, and that such efficiency must have suffered had not the government secured to the working classes by social legislation a tolerable standard of life and, as far as possible, guaranteed them physical health.

I presume the statutes in England which emphasize this departure from the old idea of non-interference of the state, are familiar to most of you, but I will make mention of four or five of the principal ones. There are many who look to England with the thought that her political economists have blazed the way for us. They hold this as sort of a political tenet, that what England does in the relations of the state to her people will be done by us in the course of years. Whether that is so or not I will leave it to you to say, and it must be left to the future to determine. But it is certainly useful to briefly review some of the principal measures enacted there in this century, not going back into the last.

The Trades act of 1906 was passed, under which both masters and employes, organized in trades unions can not be held responsible for tortious acts. That includes the employers, if they are organized, as well as the workmen.

The Old Age Pensions Act of 1908. The argument made for this is that there are quite a number of old people over seventy who can not earn—it is not the only argument—quite enough to keep them out of the poor house, who nevertheless, if they have a small pension can piece that out by their earnings and prevent their becoming a public charge. It was not altogether prompted by considerations of mercy, though with many of the advocates of the Old Age Pensions Act that was no doubt the main idea. It was contended that it diminished the number in the poor houses,

the number who were the wards of the state and must be supported by it. It is claimed by Englishmen that theirs is the one country in which the state is unquestionably obligated to provide for its poor.

Another act to which I think little attention had been called, is the education act, for the furnishing of meals to the children of indigent parents.

The Insurance Act of 1911 had two objects, insurance against ill health and provision for the attendance of doctors; also insurance against non-employment in certain trades. No doubt the number of those trades will be gradually increased. A certain amount is paid in case those engaged in them are unable to obtain employment.

The Trade Union Act of 1913 allowed the funds of trades unions to be used for the furtherance of political objects at the direction of officers of the Union. Prior to that time it had been maintained that these contributions, amounts obtained from dues, etc., could be used only for specific purposes, such as benefits in case of sickness, or the direct promotion of the objects of the union as a union. It was found that some of the unions were beginning to use their funds to promote the chances of some one who was a candidate for the House of Commons. An injunction was asked and it was granted by the courts, restricting the expenditure of the funds to specific purposes. Then this Act was passed.

There have also been wage acts passed providing minimum rates of wages for those engaged in the clothing trades and in coal mines. The number of trades included will probably be increased.

The question is, will these more or less moderate excursions into socialism be adopted in response to the demands of a growing humanitarianism and merely emphasize the general interest of communities in the care and supervision which the state should exercise for the benefit of its citizens, or will they look to an overturning and a leveling? Will socialism, for instance, be defined as it has been by Bernard Shaw, "A state of society in which the income of the country shall be divided equally among the inhabitants, without regard to their character, their industry, or any

other consideration, except the fact that they are human beings." That is probably the strongest definition on this subject that has been given by any one. And I think we may say that any such definition as that, or looking to such a state of society as that, will never be adopted by the American people, or by the English people, either.

No doubt the idea that sharp competition is necessary to success in life has been exaggerated. We have become, it would seem sometimes, a people that is like a long procession, in which the strong are jostling the weak and pushing them to the wall. But the time is not likely to come in this or in any other country when the duty laid upon every citizen to make the most of himself and do something for the state, shall be removed, when we shall enshrine the lazy man, when the man, according to Mr. Shaw's definition, who comes out of the penitentiary stands on an equal footing with the man who has well ordered his conduct and does his best for his family and for the community in which we live. I quote this largely to show ideas, which, nevertheless are expressed by a considerable number.

The laissez faire idea had as its principal teacher, Jeremy Bentham. He believed in the utilitarian idea of the greatest good to the greatest number; he believed in the greatest freedom in trade. One of his sayings was: "All that industry and commerce ask of the state is that which Diogenes asked of Alexander, keep out of my sunshine." Freedom of contract absolute control by the individual of his own actions provided he did not commit a wrong which was worthy of punishment; these were his cherished views. But, at the same time, he was the precursor, in a very important sense, of modern radicalism and the views which are so prevalent today may largely be traced to Jeremy Bentham. I might, as a matter of humor, quote some of the things he said about the lawyers, I do not believe they would be offensive to you. His father trained him for the bar, and his paternal ambition was that his son should be upon the bench, but the latter became tired of legal practice and gave his long life to writing and the advocacy of reforms, some of which were altogether iconoclastic. In the index to his works can be found such gems of thought as these:

"Lawyers, their interest in the incognoscibility of the law."

"Lawyers, their idea that cheap justice is bad and dear justice is good."

"Lawyers, their interest in the maintenance of technical jargon."

"Lawyers, their desire to involve their clients in litigation, whether it is for their good or no."

"Lawyers, the only class with whom ignorance of the law goes unpunished." (Laughter and applause).

Well, a man of that kind, as you can imagine, might be a pretty decided radical. He maintained that the transmission of property from father to son was an institution of the state exclusively; that the law might require that on the death of an individual his property should be transferred into the coffers of the treasury. He denounced as the "Hobgoblin argument" all appeals to stand by the institutions of the past.

In looking forward we may well ask the question, how far will the agitation for equality of conditions extend? No doubt we shall hear more of income taxes, and of inheritance taxes in the future than now. The state will impose heavier taxes on the so-called swollen fortunes. The British tax act of 1910 had for its avowed object not merely the raising of revenue, but a social object to diminish great fortunes and cause a more equal division of property. It imposed heavier taxes on land and increased taxes on incomes. It made a distinction between incomes derived from credits and investments and those obtained from earnings.

Now, in that regard, no one can tell what is coming. The time is not coming, however, when industry and thrift and ability will not have their fair reward, because any country would go upon the rocks in which the majority of its citizens were not guided by the conviction that industry and thrift are prime qualities of life. No nation can fulfill its destiny except its citizens are disposed to develop themselves and add to the wealth of the state. The question of the dividing line between legislation and confiscation, the problem of adequate provision for the larger activities of the state and the scope of its operations, will test democracy in the future. Shall we witness the use or the abuse of democracy? Any burden of taxation, or any sacrifice which the

individual is called upon to make for his country's sake, or for the advancement of humanity in a sane and rational manner will not meet with opposition from the great mass of the American people. But any measure, on the other hand, which demands a sudden transition to a condition in which taxes shall be laid with crushing weight upon those who toil with hand or brain, upon those who are industrious and saving, will surely be rejected with promptness and vigor by the American people.

Again the question arises, of the functions of government and the rights of the minority. There are certain questions that we can not decide by a majority vote. No vote of the people in my ward can determine what church I ought to attend, no vote of any body of voters can determine what a man's domestic relations shall be. Mr. Lowell uses a very strong illustration: Suppose two men with pistols in their hands meet a man on the highway and tell him to give up what he has. That is a majority. There there are two to one, and the two with the implements are rather effective. But that does not mean that because there are two against one the two are entitled to the possessions of the other.

And so we must consider this question: What is the scope of government? What are the rights of the minority as against the majority. One by one perhaps, though slowly and deliberately, questions which are not now regarded as proper subjects for legislation, will be transferred to the domain of law or public regulation. But it will be done only after due consideration, with a spirit of fairness and of justice.

This is a time, in the midst of the din of war, for a spirit of idealism among the American people. It was never quite so much needed as now. Will this great calamity in the world's history be allowed to pass without a new birth of patriotism? Questions at the close of the war will no doubt be as serious as they are today. Preparedness for peace is just as necessary as preparedness for war. (Applause). A spirit of self sacrifice and an awakened sense of fairness and social obligation will be necessary to solve the problem of the future justly and wisely. We have mastered just as serious difficulties in the past. The one main obstacle to overcome is the indifference of the average citizen in public affairs.

I hardly can make an address without speaking of this, and I say it here with special emphasis to an audience made up of lawyers: Wherever there has been sane progress toward liberty or better government, wherever administration has been improved, wherever a voice has been raised for human rights, there has been the lawyer. (Applause). Sometimes the lawyers have gone much too far in the pathways of revolution. In the day of the French Revolution, Robespierre, of great literary ability, appointed Judge when he was almost a boy, resigning because he did not care to pronounce sentence of death, became the leader in one of the bloodiest proscriptions the world has ever known. Danton was an advocate of great power.

In the framing of our constitution and in the writing of the Declaration of Independence, the lawyer was present. So, all along the course of our political development, with every landmark of achievement, the lawyer has taken a leading position. I am thoroughly aware of the absorption of the profession, of the idea that many clients have, "O, he is interested too much in politics, I will go to somebody else who doesn't have anything to do with politics, who is either a Mugwump, or whose politics I do not know." But the legal profession can not, in this day, absolve itself from interest in the great tendencies of the time, political and social, as well as others.

There is no reason for pessimism. Let us hope. There are transcendent possibilities in American life. Let us all do our share in building up the country and in bettering humanity at home and abroad. We may be assured that though the people may sometimes go astray, they will ultimately be right. Thus, in the conflicts of ideas which sometimes seem to threaten the stability of the state and the rights and equal opportunities of its citizens, we may yet have faith in the future and an inspiring confidence in human destiny.

My friends, I thank you for your kind attention. (Applause).

PRESIDENT MACCHESNEY: Senator Burton, I am sure that you struck a responsive chord in the hearts of the lawyers here when you assured us that whether it is the difficult task of peace or the larger task growing out of the reconstruction of affairs after

the war, the lawyer would be needed as never before. And I know that I speak the thoughts of my brethren at the Bar as well as of our guests here tonight when I say we appreciate your presence with us and your message to us.

The meeting stands adjourned. (Applause.)



Colonel Theodore Roosevelt
of Oyster Bay, New York.
Former President of the United States.

DINNER
TENDERED TO THE
HONORABLE THEODORE ROOSEVELT

AT HOTEL LA SALLE, CHICAGO
SATURDAY EVENING, APRIL THE TWENTY-NINTH
NINETEEN HUNDRED SIXTEEN

GUEST OF HONOR
Colonel Theodore Roosevelt

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The President, Nathan William MacChesney

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Mr. Julius Rosenwald
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Hon. Francis E. Baker
Mr. Samuel Dauchy
Hon. Luke E. Wright
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MENU

Canape Crab Meat, Lorenzo
 Consomme Pot Au Feu
 Olives Radishes
 Roast Young Capon, Stuffed
 New Carrots and Peas Bermuda Potatoes
 Lettuce and Grapefruit
 French Dressing
 Fresh Strawberry Ice Cream
 Assorted Cakes
 La Salle Cheese
 Toasted Crackers
 Coffee
 Cigars Clysmitic Water

INVOCATION

Reverend John Timothy Stone, D. D.

After Dinner

INTRODUCTION

Nathan William MacChesney
President of the Association

"INTERNATIONAL DUTY AND AMERICAN IDEALS"
 Colonel Theodore Roosevelt

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This meeting has the largest attendance of any ever held by the Bar of this State and the Dinner is the largest ever served by any hotel in Chicago. There are 1269 members and guests at the tables.

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Abbott, F. H.
Abell, O. J.
Aby, Clark
Ackley, I. O.
Ackley, R. C.
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Adams, A. S.
Adams, Elmer H.
Adams, Mrs. Elmer H.
Adams, Samuel
Adams, Wm. A.
Alison, Dr. Alexander
Allen, Wm. B.
Alschuler, Hon. Samuel
Alward, A.
Alwell, H.
Anderson, George
Anderson, S. S.
Anderson, William F.
Angerstein, Thomas C.
Apmadoc, W. T.
Appleton, A. I.
Appleton, W. C.
Arnold, Oswald J.
Arnold, Victor P.
Arthur, W. H.
Atwood, H. C.
Austin, A. J.
Austin, Hon. Henry W.
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Baker, Wm. Vincent
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Ballou, Geo. B.
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Barasa, Bernard P.
Bard, Geo. M.
Barlow, H. N.
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Barnes, Clifford

Barnes, V. V.
Barnett, O. R.
Barr, Geo. A.
Barron, Edw. H.
Baskerville, John
Batten, John H.
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Beatty, R. J.
Beeks, John M.
Behan, Louis J.
Bellinger, Chas. H.
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Bowman, Albert H.
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Bradley, Ralph R.
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Brothers, Mrs. E. De Witt
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Brown, Chas. L.
Brown, Christy
Brown, Everett
Brown, E. W.
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Brown, Geo. N.
Brown, Geo. W. I.
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- Brown, John L.
Brown, S. R.
Brown, Stewart Reed
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Buntain, C. M. Clay
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Burns, Frank J.
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Bush, Wm. H.
Butler, Rush C.
Butz, Otto C.
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Cairns, D. G.
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Campbell, Mrs. Frank
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Collins, Claude
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Dickinson, J. M.
Dickinson, J. M., Jr.
Diggs, Marshall R.
Dillon, Wm.
Dittus, Jacob E.
Diver, Clarence W.
Dixon, Geo. W.
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Dobyns, Fletcher
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Downey, Joseph
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Dunn, Morrill
Dunne, Edw. F., Jr.
Dunton, Geo. W.
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Early, Mrs. Albert D.
Early, Benj.
Early, John
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Eaton, Marquis
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Edmonds, H. O.
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Eldridge, Clarence E.
Eldredge, Edgar
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Ellis, Wm. H.
Elting, Howard
Elting, Philip E.
Elting, Victor
Engelka, B. L.
Evans, Lynden
Evans, P. L.
Everett, E. W.
Everett, John C.
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Fahrney, E. C.
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Faulkner, Chas. J., Jr.
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Forgan, D. R.
Forrest, Wm. S.
Foster, C. K.
Forstall, James J.
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Frank, Jacob

Freeman, Charles
Freund, Ernst
Friedlander, Samuel
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Galloway, Dr. C. R.
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Goodyear, Robert F.
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Gross, Alfred H.
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Hall, H. G.
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Hamill, C. P.
Hamilton, Will W. B. E.
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Hanford, Wm. T.
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Harris, Geo. J.
Harris, Geo. W.
Harris, Squire Rush
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Kiley, Davis
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King, Wm. H.
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Kirkland, Lloyd G.
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Lowenthal, Fred
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McFatrigh, Dr. Geo. W.
McGay, Thomas
McGilvray, D. H.
McGrath, John P.

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Rew, Irwin
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Roe, William
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Sanders, E. S.	Smith, Jaspersen
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Scott, John W.	Smith, Luther W.
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Schwartz, Samuel	Stein, Max J.
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Schwindt, Adam G.	Stein, Sydney
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Shannon, A. R.	Stevens, Raymond W.
Shaver, H. L.	Stevenson, Ralph D.
Shaw, Ralph	Strattan, Stephen S.
Sheean, James M.	Stratton, A. B.
Sheean, John A.	Strawn, Silas H.
Sheldon, Carl E.	Strong, Gordon
Sheldon, Theodore	Strong, Wm. G.
Sherlock, Edw. V.	Stott, G. E.
Sherman, B. W.	Stuart, Robert
Sherman, Roger	Sumner, B. O.
Sheriff, Andrew	Swannell, Fred'k W.
Shoreman, B. W.	Swift, Edw. C.
Shorey, Clyde E.	Swift, Herbert B.
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Throne, Daniel G.
Tiffany, L. S.
Tinsman, H. E.
Tohill, Noah M.
Tolman, Edgar B.
Torrison, O. M.
Towle, Henry S.
Trimble, W. K.
Trude, Daniel P.
Tuthill, R. S., Jr.
Valentine, J. L.
Vanderbilt, Hiram
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Van Vechten, Ralph
Van Veen, E. B.
Veeder, Henry
Vennema, John
Vincent, Irving D.
Vincent, Major Chas. R.
Vincent, Wm. A.
Voigt, John
Von Ammon, Fred'k E.
Wade, Edward T.
Waldo, Benj. T.
Walker, Emery S.
Waller, James B.
Waller, James B., Jr.
Walker, O. W.
Ward, Pierce G.
Warner, A. E.
Warner, Fred W.
Waterman, Henry

Waters, John E.
Watson, Charles S.
Watson, Geo. B.
Watson, Oliver
Watson, Robert L.
Waulding, Thos.
Wayne, H. L.
Weart, Garret V.
Webster, A. P.
Webster, Chas.
Webster, Chas. R.
Welland, Geo. F.
Weiss, Wm. F.
Weissenbach, Joseph
Welling, John P.
Wells, Bradford
Wells, John E.
Wells, Preston
Welsh, J. D.
Western, Irving M.
Wetten, Emil C.
Wheeler, Chas. S.
Wheeler, H. A.
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Whipple, Mrs. Merrick A.
White, Chas.
White, F. E.
White, Harold F.
White, Mrs. Harold F.
White, T. Edson
Whittemore, C. B.
Wigmore, John H.
Wikoff, H. H.
Wilder, T. Edward
Wilder, Mrs. T. Edward
Wilkinson, E. B.
Wilkinson, H. B.
Williams, Ednyfed H.
Williams, Harris F.
Williams, Mrs. Harris F.
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Wilson, Geo. H.
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Willson, R. A.
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Winston, J. H.
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Wolf, H. M.
Wolf, Nicholas
Wolfersperger, A. A.
Wolff, Oscar M.
Woodman, James M.
Work, Florence May
Wrenn, Harold B.
Wright, Geo. A.

Wright, Harry G.
Wright, Gen. Luke
Wykoff, H. H.
Wyllie, O. H.
Wyllie, O. C.
Wyman, Vincent D.
Wynekoop, Dr. F. E.
Wynekoop, Mrs. F. E.
Yeatman, Walter C.
Yeatman, Mrs. Walter C.
Young, Joseph W.
Zane, John
Zimmerman, E. A.
Zipf, Oscar
Zipf, Mrs. Oscar

PRESIDENT NATHAN WILLIAM MACCHESNEY: My brethren of the Bar, and guests of the Association, I do not need to tell you that my colleagues and myself appreciate the co-operation which we have had from you in making this dinner in honor of Colonel Roosevelt the greatest dinner in the history of the Bar of this State. (Applause.)

We are living in a day when the world is facing problems new, at least to our generation, and it seemed wise to us that the Bar of this State, the natural intellectual leaders of the social movements of their respective communities, should meet together and consider some of the problems which are confronting the nation. We thought that we should have some one here to speak upon those questions who could speak with the voice of authority, and carry conviction to us, so that we might go out and be prepared to better realize the faith which is in us. It was said long ago by Carlyle that a man sees what he brings the means of seeing; and so, it becomes especially necessary, in a great democracy like ours that the people as a whole should be educated for the needs of the times. De Toqueville, in his great work on Democracy in America, called attention to the necessity of that and argued that the public men of the nation should continually keep in touch with the great public questions, and bring to the people the wish to make them co-operate with the nation in its hours of trial. And today that is more true even than it was in the days when he wrote.

Our great President, Abraham Lincoln (applause) said, in that great speech of his at Alton, Illinois, that the eternal struggle in all the world was a struggle between right and wrong, a struggle which never ceases, which always goes on, and in which every man must bear his part. That is as true today as it was then. It is as true now as it was then that neutrality between right and wrong is not merely impossible, it is immoral. (Applause.) And this body of men as no other body of men, understands what it means to study a question closely, reason a thing out, reach a conclusion, and stand by their convictions when they have reached those conclusions. So that tonight as we come together to discuss the great questions of national duty and international ideals, the issues that are facing America, it is for us to see that we find out what the problems are to be solved, and that we make the necessary preparation to solve them.

Pacifism, in the face of world-wide danger is not only silly, but if continued with a desire to make America ineffective in world policies, may properly be called traitorous. (Applause.) Tonight, as we stand here, the great questions that face this nation need discussion by some one who knows them from the inside as well as on the surface, and so, tonight, it is my great privilege to present to you the man who has been a great Apostle of Peace. (Great applause.) When there seemed to be danger that this nation would become a national Sisyphus, forever asserting its rights and never attaining them, with a danger that moral bankruptcy would result because desire was not followed by action, his was the clear voice that spoke out and showed us the way to national salvation, national prestige and national honor. (Continued applause.) And so I present to you now the Great Pacifactor, as his friends have well called him, Colonel Theodore Roosevelt. (Tremendous applause.)

COLONEL THEODORE ROOSEVELT: Mr. President, and my Hosts of the Illinois Bar Association: I felt it a particular privilege to accept your invitation because I was glad to have a chance, as our Methodist brethren say, to show why it is borne in on me to testify (laughter) to precisely this type of audience in this part of our common country; to address an audience of men who

by advantages, by training, by practice, must inevitably play a leading part in the community; and to address such an audience in Lincoln's state, in the heart of our great country. (Applause.) And, friends of the Bar Association, questions of elective and legislative machinery, even questions of internal reform, sink into insignificance when we are confronted by the great question as to whether we are to be a nation at all or a mere knot, a tangle, of squabbling nationalities. (Laughter and applause.) Lincoln once said, speaking in this State, that the country could not endure half slave and half free; and nowadays America can not endure half hypenated and half not. (Laughter and applause.)

Again, such questions are necessarily of small account while in international matters all moral sanctions and standards of conduct have vanished into chaos, unless we prepare ourselves to defend the lives of our citizens and the honor and vital interests of the nation as a whole. (Applause.)

There is no use of discussing what measures of internal reform we shall have if it is going to be an alien victor who settles the discussion. (Applause.)

A year and three quarters have passed since the opening of the great war. At the outset our people were stunned by the vastness and terror of the crisis. We had been assured by many complacent persons that the day of great wars had ended, that the reign of violence was over, that the enlightened public opinion of the world would prevent the oppression of weak nations. To be sure there was ample proof that none of these assurances were true, and far-seeing men did not believe in them. But there was good excuse for the mass of the people being misled. Now, however, there is none. War has been waged on a more colossal scale than ever before in the world's history; and cynical indifference to international morality, and willingness to trample on inoffensive, peace loving peoples who are also helpless or timid, have been shown on a greater scale than since the close of the Napoleonic Wars of a century ago. Alone of the great powers we have not been drawn into this struggle. A two-fold duty was imposed upon us by the fact of our prosperity and by the fact of our momentary immunity from danger. This two-fold duty was, first,

to make our voice heard for the weak who were wronged by the strong, and for international humanity and honor, and for peace on terms, and only on terms, of justice to all concerned. (Applause.) And, second, immediately, and in thoroughgoing fashion, to prepare ourselves so that there might not befall us on an even greater scale, such a disaster as befell Belgium. Those were our two duties. We have signally failed in the performance of both. Incredible to relate, we are not in any substantial respect stronger at this moment in soldiers and rifles, in seamen or ships, because of any governmental action taken in consequence of this war. And, moreover, we have seen every device and every provision designed by humanitarians to protect international right against international wrongdoing torn into shreds and we have not ventured so much as to speak one word of effective protest.

I wish you to understand, friends, I am speaking of you and me. I am speaking of us, here, and of those like us who are collectively responsible for what the men in public life do. (Applause.) As far as I can help it, I do not intend to let the average American citizen shirk the responsibility or say, "Yes, how wicked some one else is (applause), because of what we have done." Or rather, because of what we have left undone. The result of our inaction, of our sloth and timidity, has been that every nation in the world now realizes our weakness and that no nation in the world really believes either in our disinterestedness or our manliness. The effort to placate outside nations by being neutral between right and wrong, the effort to gain good will along professional pacifist lines, by remaining helpless for self defense, has resulted, after two fatuous years, in so shaping affairs that the nations of the world either already feel or are rapidly growing to feel for us not only dislike but contempt.

This is not a pleasant truth, but it is the truth; and, as a people, we will do well to remember Emerson's saying that in the long run the most unpleasant truth is a safer traveling companion than the pleasantest falsehood. (Applause.) Our duty is to face the facts and then to take the thoroughgoing action necessary to meet the situation those facts disclose. (Applause.) The

most foolish thing we could do is to sit together, to come together in meetings and tell one another how great we are, and then wait till we go up against the rifles in order to find out that our words amount to nothing unless we are able to back them by deeds.

Our prime duty, infinitely our most important duty, is the duty of preparedness. (Cheers and continued applause.) Unless we prepare in advance we can not, when the crisis comes, be true to ourselves.

And, O, gentlemen, think of its being necessary even to say some of these things! We all of us know that in such a trivial matter as a sport it is true, and yet we talk as if it were not true in the matter of national defense. Chicago has a professional base ball nine. I am an old man, and remember "Pop Anson" and his nine. I would not remember him now if he had waited until the championship games and then announced that Chicago was such a wonderful city that between sunrise and sunset nine men could spring to the bat able to beat any other batsmen in the world. (Laughter and applause). You wouldn't have heard of Pop Anson outside of a lunatic asylum if he had gone on that theory. And yet, friends, there are actually good, kindly, well-meaning people (laughter) who will make a statement about the honor of the United States, when it is possible that it may have to face a foreign foe, which they would be ashamed to make about about a baseball nine that had to contend with another baseball nine. And we call ourselves a practical people and tolerate statements of that kind.

If we do not prepare in advance, when the crisis comes we can not be true to ourselves. And if we can not be true to ourselves it is absolutely certain that we shall be false to every one else. If we are not able to safeguard our own national honor and interest, we shall make ourselves an object of scorn and derision if we try to stand up for the rights of others.

We have been sinking into the position of the China of the Occident; and we will do well to remember that China, pacifist China, anti-militarist China has not only been helpless to keep its own territory from spoliation and its own people from subjugation

tion, but has also been helpless to exert even the most minute degree of influence in favor of right dealing among other nations.

There are persons in this country who openly advocate our taking the position that China holds, the position from which the best and wisest Chinamen are now painfully trying to raise their land. Nothing that I can say will influence the men or women who take this view. To my mind the holding of such a view is entirely incompatible with the right to exercise the privileges of self government in a democracy, for self government can not permanently exist among a people incapable of self defense. (Applause.)

But I believe that the great majority of my fellow countrymen when they finally take the trouble to think on the problem at all will refuse to consent to or acquiesce in the Chinification of this country. I believe that they will refuse to follow those who would make right helpless before might, who would put a pigtail on Uncle Sam, and would turn the Goddess of Liberty into a pacifist female huckster, clutching a bag of dollars which she has not the courage to guard against aggression. It is to these men and women that I speak. I speak to the mass of my fellow countrymen and countrywomen, to the men and women who are loyal to the principles of those who in the Revolutionary War made us a nation and who have in their souls the high qualities possessed by the men who in the iron days of the Civil War followed the banners of Grant and of Lee, and of the wives and mothers of those men. My appeal may not be heeded; if so, then either our people will pay heed in time to the appeal of some other man able to speak more strongly and more convincingly than I do, or else, when it is too late, they will learn the lesson from some terrible gospel written in letters of fire and steel by an alien conqueror.

The first necessity is that we shall in good faith and without reservation undertake to be a nation and not merely to call ourselves a nation. (Applause.) I make my personal appeal to the national spirit here in Chicago, here in the great middle west, here in the territory stretching from the Alleghanies to the Rockies. The prophets of gloom have said that the west, prosperous and indifferent, secure in her fancied safety because she is in

the middle of the continent, cares nothing for the dangers that might befall the cities on the Atlantic or Pacific coast, cares nothing for what has befallen the dwellers along the Mexican boundary; that she is as indifferent to what befalls elsewhere as Peking once was to what befell the outlying Chinese provinces—to the ultimate ruin of Peking, by the way. This I do not for one moment believe. If I did, I should despair of the republic. This is, to a peculiar degree the democratic, the intensely and characteristically American section of our land. The West produced for the service of the whole nation Abraham Lincoln and Andrew Jackson (applause), and I know that their spirit is still the spirit of her sons. I appeal to the men of the west to take the lead in the movement for the genuine nationalization of our people. If the republic founded by Washington and saved by Lincoln is to be turned into a mere polyglot boarding house, where dollar hunters of twenty different nationalities scramble for gain, each nationality bearing no allegiance except to the land from which it originally came, then we may as well make up our minds that the great experiment of democratic government on this continent will have failed. (Applause.) No less will it have failed if each section thinks only of the welfare of that section and with crass blindness believes that disaster to some other section will not affect it. And the failure will be greatest of all if foolish men are persuaded by wicked men that one caste or class is the prime enemy of some other caste or class.

I appeal to the men of the east to prepare so that the men of the Pacific slope shall be free from all menace of danger. (Applause.) I appeal to the men of the west to prepare so that the men of the Atlantic coast shall be free from all danger. (Applause.) I appeal to the north and the south, the east and the west alike, to hold the life of every man and the honor of every woman on the most remote ranch on the Mexican border, as a sacred trust to be guaranteed by the might of our entire nation (applause and cheers), and the life of every man, woman and child who should be protected by our nation on the high seas, also. (Applause.) I appeal to every good American. Whether farmer or merchant, business man or professional man, whether he work with

brain or hand. Anything of disgrace or dishonor that befalls our people anywhere is of vital moment to all of us wherever we live; and any deed that reflects credit on the American nation is a subject of congratulation for every American in every section of the country. (Applause.)

I speak of the United States as a whole. Surely it ought to be unnecessary to say that it spells as absolute ruin to permit divisions among our people along the lines of creed or of national origin as it does to permit division by geographical section. (Applause.) We must not stand merely for America first, we must stand for America first and last; (applause) and for no other nation second except as we stand for fair play for all nations. (Applause.) There can be no divided loyalty in this country. The man who tries to be loyal to this country and also to some other country is certain in the end to put his loyalty to the other country ahead of his loyalty to this. (Applause and cheers.)

The politico-racial hyphen is the breeder of moral treason. We are a new nation, by blood akin to but different from all the nations of Europe. (Applause.) In the veins of our people runs the blood of German, Englishman, Irishman, of Scandinavian, Slav and Latin. Each of these peoples can bring something of value to our common national life; each can contribute social and cultural traditions and customs of value, and all must join in cordial mutuality of respect for whatever is valuable that each brings. But each must put the contribution at the service of our common and unified citizenship, and by utilizing all that is thus contributed, and by adapting and developing it so that it shall meet and express our common needs, we shall build our own distinctive national culture. (Applause.)

There is no room in this country for German-Americans or English-Americans, Irish-Americans or French-Americans; (applause and cheers) just as there is no room in this country for a political party based upon fealty to or opposition to any particular creed, whether Protestant, Catholic or Jew. (Applause.) There is just one way to be a good citizen of the United States, and that is to be an American, and nothing else. (Applause, cheers and calls of "good.") This is not a question of birthplace

or national origin or creed. Any big group of loyal and patriotic Americans will include men of many different creeds and many different race strains and birthplaces. But they will not be loyal and patriotic Americans at all unless they are Americans and nothing else.

The first step in preparedness is dependent upon our common and exclusive American nationality. (Applause.) If we go out to fight another nation and we have only the loyalty to a polyglot boarding house, we won't get far. Preparedness must be both of the soul and of the body. It must be not only military but social and industrial. There can be no efficient preparedness against war unless there is, in time of peace, economic and spiritual preparedness in the things of peace. Well meaning men continually speak as if efficient military preparedness could be achieved out of social and industrial chaos, whereas such military preparedness would represent merely a muscular arm on a withered body. Other well meaning people speak as if industrial preparedness, social preparedness, would by itself solve the problem. This is worse folly than the first. Let these men look at Belgium and compare her fate with that of Switzerland. Belgium was one of the countries in Europe in which the greatest advance had been made in industrial efficiency and, as regards social justice she was at least well ahead of us. But there had been no corresponding military preparedness. There had been great success along the lines of business materialism, great success along the lines of humanitarianism, but no development of military efficiency. The result is that both the materialist and the humanitarian have been ground into the dust together, simply because the men so successful in peace had not in peace trained themselves so as to be able to defend themselves in war and to make other nations realize in advance that they were able to do so. (Applause.)

If our people are not willing to study the lessons of history, let them look at what has gone on before their eyes in China. For centuries China has looked down on the military caste, and has discouraged the development of the fighting spirit. The vagaries and dreams and blindness of her pacifist leaders and pacifist statesmen have paralled those of our own. Her people have been peace-

ful and industrious. They have put peace above honor, above justice, above national self respect. As a consequence, China, the most populous empire on earth, sees half her territory under the control of alien powers, and in the remainder holds what precarious independence remains at the mercy of which ever one of these alien powers is, for the time being, able to disregard or nullify the influence of the others. Mr. Calhoun who is here present can tell you some of those facts at first hand. If the shortsighted pacifist and the shortsighted materialist have their way, the same fate will overtake us; and it would be hastened, not averted, by business prosperity and efficiency and harmlessness. To mobilize our resources and introduce efficiency everywhere in business, would merely make us a more attractive and more helpless prey unless we, in similar fashion, developed our power and purpose for self defense.

I understand fully the need of industrial prosperity. I stand heartily for protection. But by that I mean not only protection to American industries and to the material interests of American working men, farmers and business men. I also mean, and with even greater emphasis, protection for the whole American nation, protection for American honor, protection for America's self respect, protection for America's position among the nations, protection for her when she strives as she ought to strive, to bring peace to the rest of the world. (Applause.) Friends, I need not quote history or refer to foreign nations. The events of the last twenty-one months, including especially the events of the last month, show that no argument ought to be needed save that furnished by our own history during these past twenty-one months.

On August first, 1914, the great war began, and it had already become clear that the already dreadful situation in Mexico was steadily growing from bad to worse. It should have been perceptible to any nation, and it is not to our credit—(understand, I am speaking personally, I am speaking of you and me; I am speaking of *us*; when I say the American people I am speaking of you who are present, as well as of our brothers absent) * * * it is not to our credit that it should not have been evident to us at once that there was the gravest danger of our being

involved, at some point, with the European belligerents, and the almost certainty that we should have to take action, sooner or later, as regards Mexico. And, O, friends, in business life we couldn't sufficiently express the scorn and contempt we would feel for a man who, when his business got shaky, shut his eyes and said, "There can't anything happen. I won't talk about it; and maybe it won't happen." There isn't a man here who wouldn't treat a business man capable of such action as being unfit longer to control his property. And yet, as a nation, in the face of the greatest international problems we actually encouraged our government to take such a position. I do not excuse any of us in what I am saying. I blame our government; but I blame us for having permitted our government to show such shameful recreancy to duty.

Even the first few weeks of the great war made it evident that the prime factor in success in war is preparedness in advance, and that it is impossible to prepare adequately after war has begun. Yet our well meaning, foolish, peace-at-any-price people clamored so loudly that we must not prepare, because preparedness would increase the chances of war, that we followed their advice. Six months went by without one particle of preparedness by us; our army and navy remained as weak as ever. Nothing of any sort was done to help put our industries in shape to help us in the event of war. The professional pacifists hailed this refusal to exercise precaution in the face of the hurricane as an evidence of virtue on our part. It was merely an evidence of blind and timid weakness. Then, after six months, Germany announced that she would conduct a submarine blockade of England under circumstances which rendered inevitable the loss of American lives. We sent her an ultimatum announcing that in such case we would hold her to a strict accountability. (Laughter.) And now, gentlemen, this is the kind of thing that by our Fourth of July orations we have accustomed ourselves to do; that is, to use lofty words without thinking whether we are going to make them good or not. I use the word "ultimatum" for it is the only word to describe the document containing the words "strict accountability," if these words mean anything. (And here again let me say I am placing

the responsibility for that action on all of us as a mass—for the President only did what he thought the mass of our people would applaud.) When we took that action we placed ourselves in a position where—and now I am using my words with scientific precision—when we sent that ultimatum we placed ourselves in a position where it became a crime against ourselves not immediately to prepare. (Applause.)

Fourteen months have passed since then. Germany has again and again done what we said she should not do. She has done the deeds and has permitted to us the conversation about the deeds. We have protested, sometimes strongly, sometimes weakly, against what has been done; but we never took a single step in the way of preparation to enforce our words if, unhappily, it should become necessary so to do. I wish you to realize that I am speaking with scientific precision when I say we never took a single step to make our words good. I mean that we are not stronger by a man or a rifle, by a gun or a ship, because of any action taken on account of the great war, with the imminence of danger that it brought to us.

At present we have sent another ultimatum to Germany, no stronger than the one sent fourteen months ago; but the circumstances of its delivery are such as to seem to indicate that more weight must be attached to it. Yet we are still not preparing in any way. I am speaking of the present week in Congress, of the present month in Congress. The lower house of Congress has taken what measures it could to interfere with the organization of the regular army on which we should have to rely in any belated and hurried efforts to meet our needs should we have to act on support of our note. Under the lead of Messrs. Kitchin and Hay it has passed legislation excellently designed to prevent efficiency from the military standpoint. The upper house has done better, not well, but not as preposterously bad as the lower house under the preposterous leadership, the scandalously unpatriotic and anti-American leadership of Messrs. Kitchin and Hay. Substantially we are just where we were twenty-one months ago. Mind you, even what the two houses have started has not yet resulted in anything being actually done. All that the

houses are doing is trying to decide how little they can arrange to have done after June 30th next. Not an effort to meet a tremendous emergency by emergency action. At this moment, after nearly six weeks of effort, we haven't been able to scrape together an army sufficient to capture one bandit. (Laughter and applause.) The officers and enlisted men of our little army are of the highest grade; but they have not been given a chance. We have not an efficient body of troops of a size that would make it a tangible asset in the hugh death-wrestle that is going on around Verdun at this time. We have not, in these twenty-one months, prepared in any shape or way to make good on any field of action any demand that we might make for our own rights or for the rights of humanity. Our words have been like a check issued by a man on a bank in which he has no funds (laughter) but expects that somehow or other he will get them by the time the check comes around. (Laughter and applause.) Rarely, indeed, does such a man have the funds there on time and desperately humiliating are his experiences meanwhile.

If we meant what we said in our "strict accountability" note fourteen months ago, then we have followed a policy both wicked and cruel in its neglect of the lives of our men, women and children by deliberately refusing to follow up any program of preparedness, whether with our army, our navy or our industries. Now, I don't wish there to be any misunderstanding as to my position. If, under these circumstances, war does come, all of the men who think as I do will stand promptly by the country. (Applause.) I speak of my personal affairs because I wish you to know that there isn't a word I am saying that I have not weighed, that does not express my deepest conviction. If there is a war, a great war with any great nation, my four sons will go; I will go; my young kinsfolk will go. We will go to the war. (Applause.) But I shall not feel like cheering when I go. We shall go to the war; but we shall expect to pay a heavy penalty with our own blood and with the blood of those dearest to us, for the failure of our people to prepare during the past twenty-one months. If my boys and your boys go to war now, if we have a great war and they go, they will die like rotten sheep in the camps because dur-

ing these twenty-one months we have not taken the pains to train them how to take care of themselves, nor to train those who should lead and guide them, how to take care of them, how to keep them healthy, how to drill them, how to make them able to shield themselves from disease. If, they get past disease and get into battle, they will go without the proper artillery and without the proper training of the artillery men, without the proper aeroplanes and without the proper training of those who should manage them; without the proper machine guns, and with untrained men behind the machine guns. There will be all kinds of shortcomings in every species of equipment and in all kinds of trained management. Our sons will have to pay for this five times the proper expenditure of their young blood; with their young lives they will have to make good the failure of us, of the people who stay at home, of the men who during the twenty-two months that have passed have not made ready our armed national strength. It is a most evil thing that our government has not so prepared that if the need comes to sacrifice the lives of our young men they shall not be sacrificed uselessly and in vain. (Applause.)

I ask of our professional peace-at-any-price friends, of the professional pacifists, to get clearly in mind the fact that the preparedness which I, whom they call a militarist, have unceasingly advocated for so many years, and above all the preparedness that with whatever strength I have in me I have advocated since the great war broke out, would in all probability have averted all need of our sending the "strict accountability" note fourteen months ago. (Applause.) If the United States navy had been mobilized within a week of the great war, if there had been practice on the seas in fleet formation with submarines that went under water (laughter)—quite a useful thing in a submarine, by the way—with battleships and battle cruisers, if that had been done do you think there would have been any temptation to any power to sink the *Lusitania*? Not much! (Applause.)

If now there is no war it will be proof positive that if fourteen months ago we had made it evident that we meant what we said, Germany would have abandoned her submarine policy and the lives of thousands of non-combatants, including many hundreds

of women and children would have been saved; so that in such case their blood will be at our doors because we failed, you and I, friends, the American people, failed, when we sent that note, to show that we meant what we said. If, on the other hand, war does come, it will be a cruel and a dreadful thing that, having had the amplest opportunity and time to prepare for it on the largest scale, we drift into it stern foremost, having shown ourselves helplessly unable to provide in the smallest degree to make our vast strength effective.

We need, beyond everything else, a first class navy. We can not possibly get it unless the naval program is handled with steady wisdom from the standpoint of a nation that accepts the upbuilding and upkeep of such a navy as cardinal points of continuous policy. There should be no party division along these lines. Any party which, whatever its views on other subjects, stops the upbuilding of the navy, or lets it be impaired in efficiency, should be accepted as false to the vital interests of the American people. (Applause.) The navy should be trained in deep water, in salt water, and it should be trained always with one end in view, to increase its fighting efficiency. It is not an educational institution. (Applause.) It is Uncle Sam's right arm of defense, and that arm is meant to hold the sword and not the pen. The minute the effort is made to turn a battleship into an ambulatory school house, we spoil the battleship without getting a school house. The minute we fail to treat the navy as the one most vitally important international asset of the nation, which it is imperatively necessary to keep in the highest state of efficiency, disregarding all other matters in connection therewith, that very minute we lay the seeds for the conditions which result in submarines that can not go under water and aeroplanes that do not fly. (Applause).

The navy is by no means all sufficient. But the special part it plays is of more importance even than the very important parts to be played by other arms.

It is a prime necessity for any great nation which expects to be taken seriously, always to correlate policy and armament. There never should be a treaty made or a policy announced save after

careful consideration whether our prepared strength is sufficient to make that treaty respected or that policy observed. (Applause.) The Monroe Doctrine will never be one particle stronger than the United States navy. (Applause.) Our hold on the Canal, our power of protecting our own citizens abroad and defending our own coasts, all these depend upon other considerations also. But among the various vital factors, none of which can be neglected, the navy stands foremost. Yet the navy isn't the only thing. Back of the navy must stand the regular army, and back of the regular army must stand the trained strength of the nation. (Applause.)

The regular army is indispensable. Here again, gentlemen, let me ask that you do your part in seeing that our people understand the utter folly of embarking on a policy unless we have the sense to take thought how we shall prepare to enforce that policy. We listen to well meaning sentimentalists who say, "let us guarantee the territorial integrity of every republic on this continent." Translate this into words. It means that we are to go to war for the interests of somebody else in Terra del Fuego, if there is some row about Terra del Fuego. Yet at the same time these very same persons say we must not have any war to protect American lives in Mexico! Now you can hold either of those positions with sincerity,—not with wisdom, but with sincerity. (Laughter and applause.) But you can't hold both positions with either sincerity or wisdom.

What has happened in Mexico offers the best possible example of the need that this country should deal with things and not merely with words. For many years Mexico has stood to us much as the Balkan Peninsula has stood to Europe, with its weak and turbulent states always boding trouble. Success or failure in our Mexican policy is not merely a local matter. If in this place our foreign policy fails it means general failure. The problem is not primarily a military one, although unfortunately our failure to grapple with it intelligently and in terms of fact may well mean that there may have to be a military prelude to the real settlement. The settlement will only come when we make up our minds to render constructive and disinterested service on a com-

mon sense basis, as we did in Cuba. Remember, that as regards Cuba we kept the peace for about ten years,—well, certainly five years, we were at peace; during that time over a million Cubans were killed. We then went to war with Spain over Cuba. The war cost us less than three hundred lives, and Cuba has flourished ever since as never before in her whole history. That is the effect of the contrast between a policy of Tom-fool peace (laughter and applause) and a policy of securing peace permanently and on a sound basis by making up your mind to a little effort and a little hardship as a preliminary.

We are constantly told that we have kept out of war with Mexico; that we have been at peace with Mexico. The total number of Americans killed in Mexico whose names have been published, leaving out of consideration the large number whose names have not been published, exceeds the number of men, of Americans, killed in the war with Spain. More Americans have been killed while we have been waging peace with Mexico (laughter) than were killed while we waged war with Spain. Perhaps we have not been at war with Mexico. But at any rate the Mexicans have been industriously at war with us. And when the war with Spain was settled, it was settled, no trouble came afterwards, and there was greater peace and prosperity all over Cuba, the Philippines and Porto Rico than in all their previous history; whereas the peace with Mexico continues to rage with unabated ferocity (laughter and applause), and with all the accompaniments of murder and violence.

Now, friends,, we are a nation of a hundred million people. Our wealth runs into many billions. A couple of months have gone by since we undertook to get Villa. We undertook to get him with the assistance of the Carranzistas. They may have assisted us with guarded moderation; indeed at times they dissembled their assistance (laughter) so that we had to fight them as well as the Villistas. Nearly two months have gone by, and during that time we have not been able to get a mobile army of anything like 25,000 men with appropriate motor trucks, and the like. We could get these few men only by denuding the rest of the border. The men—the officers and enlisted men—did splendidly; but there was

only a handful of them and they were painfully short of equipment while we permitted the Mexicans to hamper them in every way.

Since the outrages two months have gone by. A month was all the time that elapsed between the outbreak of the great war and the Battle of the Marne. A month covered most of the advance that has been made in the great war to the west. Remember that if a disaster happened to our navy, a month would be sufficient for any one of several of the great old world military powers, without subtracting from its army a force whose loss would be even perceived at home, to land in San Francisco or New York a force five times as great as our entire mobile army. The last thirty days have shown that in such a time we could not by the utmost exertions make any real resistance to such a force. It is worth our while to consider that fact. It is short sighted folly of the most sinister kind not to provide at once—I don't mean by the 30th of June, I mean at once, next week—a regular army of a quarter of a million men, in order that we shall have within our limits a mobile army of 125,000 men so constantly trained and maneuvered that inside of a week they could be concentrated in the highest condition of fighting efficiency at any point of our border or our coast line. (Applause.) I think I can hear, not from any of those present, but elsewhere, a reedy pacifist, piping that this means militarism. Relatively to the population of the country 250,000 men is just about proportionately as big as the Chicago police force, and I advocate just as much militarism as you now have in Chicago with the police force. Each man who is afraid of the militarism I advocate is entitled to just as much fear as he can get out of the Chicago police force; but to no more.

Remember always that there is no value in half-preparedness. To prepare a little but not very much is like trying to put out a fire a little, but not a great deal. (Laughter.) Either put it out or leave it alone. If you want to build a bridge across a river, you build it for the whole distance. You don't say you will make a compromise and build it half way. If you only build it half way you might as well leave it unbuilt. To increase the armed forces of the nation a little, but not much, leaves the situation substan-

tially where it is. You will find people who will tell you that preparedness invites war. Undoubtedly there are nations who have prepared in order to go to war. So there are individuals who insure their houses for the purpose of burning them down. (Laughter and applause.) But you do not on that account say that an honest man should not insure his house. And it would be equally foolish to say that a nation should not be prepared in order to defend itself against aggression. (Applause.)

The preparedness of a big, highly efficient navy and a small, highly efficient regular army will meet our immediate needs and can be immediately undertaken. But it is not enough.

Now I wish to digress for just a second and again ask you to pardon a personal statement, to illustrate what I mean. When I got out of college there were two things I did at once, and I did them against the advice of some very nice, cultivated, fastidious friends of mine. I joined the National Guard and I joined my local political organization. I made up my mind that I intended to do my own governing and my own fighting. I did not intend that if the need arose any one else should do my fighting for me. In the long run, if a man has to have somebody else do his fighting for him, and somebody else do his governing for him, he does not remain a free man, and he is not fit to remain a free man.

So far I have spoken of the navy and the regular army. In other words, I have been asking you to see that the other fellow prepares. Now I come down to you and to me. I ask that you and I prepare; that we prepare, if we are young ourselves; that if not, our boys prepare, and that we do not rest satisfied with having somebody else fitted to do our fighting for us. (Applause.) I have spoken of our immediate needs, but ultimately and to meet our permanent needs, I believe with all my heart in universal training and universal service on some modification of the Swiss and Australian systems, adapted to the needs of our American national life. (Continued applause and cheers.) By George, Gentlemen, I want to say I am proud of you. I didn't know how you were going to take this. To be frank I did not overmuch care; for I intended to tell you, no matter what you thought of it, the thing

which in my judgment ought to be said. But I tell you, my heart thrills as I hear the way you receive my words. It makes me realize what I already believed I knew. Previously I believed that you were sound. Now I know you are sound. I know that the west will stand for the American people and the American nation. (Applause and cries of "hear" and "that's right.") I tell you, gentlemen, you do not know how glad I am to have come on here and have had the chance to hear you. I can not do you a fiftieth part of the good that you have done me by the way you have received this (applause); and I will go out from this room with my head and heart up, doubly eager to preach Americanism and preparedness to our people after what you have done tonight. (Applause.)

Mind you, in the training of which I speak, although the good to our people would be inestimable from a military standpoint, yet it would accomplish at least as much for them in industrial and social matters during peace. It would not take our young men away from their life work, it would on the contrary, help to fit them for their life work, make them more valuable socially and industrially, train them to order, discipline, the power to enjoy and to make use of self respecting liberty, the power to co-operate with their fellows. It would be an antiseptic to militarism; Switzerland and Australia are the least militaristic and most democratic of commonwealths. It could be done in the schools and then by four to six months' work in the field when the boys leave the schools. It would mean only extending the system already admirably applied in Wyoming. With such a system, which would train all of our young men alike, we would be guaranteed forever against the kind of conflict which is known as a rich man's war and a poor man's fight. We would all fight when the need arose, and we should never fight wantonly. (Applause.) We should never have a war unless the people who were to fight it deliberately determined upon it. It would be a war waged by the people for the people. (Applause.)

As I have said again and again, I advocate such preparedness as a means to secure peace and to avoid war. You do not avoid war by explaining elaborately that you would rather be kicked

than fight. (Laughter.) That is not the way to keep out of trouble. Of course if you go around hunting for trouble you can find it, whether you are prepared or not. But the way to keep out of trouble is to show that you do not intend to wrong any one and that nobody will find it healthy to wrong you. Isn't that so? (Applause.) A good mother wrote me the other day that she feared preparedness because she did not wish her boys "to go up against the cannon." Now the one perfectly certain method of insuring that her boys and the other boys in this country shall "go up against the cannon" is to persuade foreign powers that our mothers have refused to let their boys be trained efficiently and, therefore, that foreign powers can attack us with impunity. (Applause.)

I abhor unjust and wanton war. All that I honorably could do would be done to try to keep this country out of war. But I would rather see this country go to war than sink into the dreadful condition where the people do not know that there are things even worse than war. (Applause.)

I once used a phrase, to sum up our proper foreign policy:—"Speak softly and carry a big stick." There was a good deal of laughter over that phrase. But it expresses a pretty sound policy all the same. (Applause.) Remember, that I was President seven years and a half and that I never spoke with wanton harshness of any nation. I always spoke softly, I was always just as nice and polite as any man could be (laughter and applause). But I carried a big stick! (Applause). And there was not, in all that time, one American citizen killed by any representative of a foreign power, and I never had to have an American in uniform shoot at a representative of a foreign power. But once or twice, gentlemen, I had to have it clearly understood that there would be shooting if it was necessary! Insolence and disregard of the rights and feelings of others may embroil us in war. I utterly disapprove of this. But weakness, and conveying the impression that we fear others, are even more certain to embroil us. Above all, weakness combined with bluster will, in the end, make war inevitable. We stand for the peace which comes as a matter of right to the just man armed and not for the peace which is pur-

chased by the coward at the cost of abject submission to wrong. The peace of cowardice ultimately leads to war as the end of a record of shame.

I have spoken of military preparedness. Industrial preparedness is essential. There can be no full preparation for military service unless there is industrial preparation. Few of our people—I include myself—unless we study it, have even the slightest idea of the enormous amount of industrial preparedness that there must be before you can equip an army in a camp, let alone on a battle field. We do not realize this. We do not realize our utter industrial unpreparedness. If the supply of raw material gives out; if skilled laborers fitted for a particular work give out; if there is no promptness and certainty of out-put to be obtained, no organized industrial machinery; the result is that the shortage has to be made good by an incalculable wastage of life among our soldiers. If we do not have motor trucks, machine guns, red cross supplies, everything of that kind, we will pay for it in the event of war by the blood of the bravest and the best of the land. We can not then prepare after the war has begun. Unless our industries are wholly efficient and, moreover, are developed for this particular work in advance, we shall have to pay a dreadful penalty in the event of war.

There should be some government-owned munition plants to serve as checks and regulators. But the need of which I speak can not in any shape or way be met merely by government-owned munition plants. The need is to train, to educate, as Germany has done, many business firms, by means of giving them small orders in time of peace for the various things which the government would need in enormous quantities in time of war.

In Germany, they encourage the plant, exercise supervision over it, help it to grow; and then require that plant to produce in one year, say ten shells. They have to assemble all the blue prints for doing the work. They have to assemble probably one hundred and fifty instruments and pieces of machinery. They only make ten shells, but those shells will be taken by the government and subjected to the most exhaustive tests; and if war comes they can make ten thousand shells well and quickly. This is what has actu-

ally occurred among the German plants. Whereas the English and American plants which during the last eighteen months have endeavored to compete with them, took over ten times as long to make such shells and then made them badly. We need to encourage the system of the educational order, the small, educational order. The worst thing we can possibly do is to permit Congress to thwart our existing industries by such folly and inequity as it has shown in connection with the bill to establish a government armor plant.

There should be a survey of the resources of this country. We shall need organized business in time of war just as in time of peace. Our duty is to encourage it but to see that its activities are controlled for the benefit of the whole country. And the Government while encouraging all industry, should so control it as to secure what has been secured for labor in Germany, proper living and working conditions for its wage workers and provision for insurance, compensation against sickness and accident and old age.

All this must be done by the nation and not by the states. (Applause.) Take such a vital thing as the transportation business. We must have the railroads managed as under the Constitution it was indeed that all international instrumentalities of commerce are intended to be managed, by one authority, one sovereign, one set of laws, and not by forty-six sets of conflicting laws. (Applause.) This is the only way we can handle the matter effectively. We can have no national economic progress until we make ourselves really a nation. National needs can not be met by conflicting locality actions. This is the age of co-operation. Surely if we really are a business people this means that there should be co-operation between the nation and the mighty agencies through which alone modern business, especially international business, can be managed. Let the government regulate the corporations. Let this regulation be an incident of hearty co-operation with them to secure their well being and also the well being of those who work for them and of those for whom they work.

No form of government will survive unless it can justify its existence. This is just as true of a democracy as of any other form of government. Boasting about democracy will not make

democracy succeed. We are the greatest democratic republic and we are false not only to our country but to democracy everywhere if we do not seriously endeavor to show by our actions and success that with us the many men can make a nation as efficient as elsewhere nations have been made efficient by a few men. We must make America efficient within its own borders, efficient to repel attack from beyond its own borders, and yet a friend and not a menace to other peoples. We must make ourselves serviceable to democracy and to the cause of popular rights and popular duties. A happy-go-lucky belief that we can become serviceable by combining sentimental speeches with selfish actions will bring us to utter futility.

I speak for military preparedness. I speak for industrial preparedness. I speak for preparedness for international duty, which can only come when we have fitted ourselves to do our duty to ourselves. It is our duty to secure justice and well being at home. But we live in a fool's paradise if we think that we shall be permitted to secure such justice and well being as the world now is, unless we are prepared to hold our own against all alien enemies. We can not afford to be in a condition of unstable social and industrial equilibrium, nor to see our sons grow up steeped in a spirit of mere selfish individualism, without self control or discipline or sense of co-operation or fixity of purpose. We have great individual capacity. That we must keep. But we must train it so that we shall have great collective capacity, so that there may be that collective democratic power and discipline without which no great modern democracy can permanently exist.

Our national character is in the balance. Americanism is on trial. If we produce merely the self-seeking, ease-loving, duty-shirking man, whether he be a mere materialist or a mere silly sentimentalist; if we produce only the Americanism of the grafter and the mollycoddle and the safety-first, get-rich-quick, peace-at-any-price man, we will have produced an American spirit faithful only to the spirit of the Tories of 1776 and the Copperheads of 1861. (Applause.) Love of ease, shirking of effort and duty, unwillingness to face facts, the desire to flatter ourselves by words that mean nothing, all these spell worthlessness while our

civilization lasts, and spell also a speedy and ignoble end of that civilization. In this tremendous crisis of the world, if we think that we can sit apart, do nothing, utter lofty platitudes, and devote ourselves only to money making, we shall surely go down with a crash.

I ask you of the West to take the lead in the effort for a robust and virile nationalism, fit and ready to cope with all possible dangers at home and abroad. I appeal to the spirit of sane common sense which faces things as they practically are; and I appeal also to that spirit of idealism which sees a great goal and struggles toward that goal. I ask for military preparedness as an arm to help the soul of the nation. I ask for it to quicken the national conscience, to help the national discipline. I ask that we prepare ourselves within; and we can not prepare ourselves within unless we also prepare ourselves against danger from without. You hate the waste and blood spilling of war. So do I. You can not hate such waste and blood spilling more than I do. The most lamentable of all tragedies connected with such blood spilling is the spilling of the blood of brave men too late to secure the end for which the blood is spilt. (Applause.) Under such conditions there is no chance of triumph. The dreadful choice is between dying hopelessly for the right and yielding abjectly to triumphant iniquity. May we so act in the present that neither we ourselves, nor our children's children, shall ever in the future have to face so evil an alternative. We wish to secure peace both for ourselves and for others. To do so we must be both strong and just, for weakness invites injustice at its own expense and is powerless to ward off injustice from others.

I ask you to prepare so that we may secure peace for ourselves and for others, not the peace of cowardice, not the peace of selfishness, but the peace of righteousness and of justice, the peace of brave men pledged to the service of this mighty democratic republic, and through that service pledged also to the service of the world at large. (Applause.)

PRESIDENT MACCHESNEY: Will you kindly stay in your places until Colonel Roosevelt and the Governor of Illinois have had an opportunity to retire?

A VOICE: Three cheers for the Governor of Illinois!

(Applause and three cheers.)

A VOICE: Three cheers for Roosevelt!

(Three cheers.)

PRESIDENT MACCHESNEY: I appoint Edgar B. Tolman, Logan Hay and John H. Wigmore a committee to escort Colonel Roosevelt and the Governor from the hall.

EDITORIAL.

THE CHICAGO EVENING POST,

JOHN C. SHAFFER, Editor,

Monday, April 30, 1917.

One year ago Theodore Roosevelt in the banquet hall of the Hotel LaSalle in Chicago urged the establishment of the principle of universal obligatory military training in the United States.

He said on Saturday in that same room that the response made to that demand by the Illinois Bar Association was the first "hearty support" this great change had received from an audience anywhere in the country.

His prophecy of a year ago about compulsory service has now, through the action of Congress, become changed into history.

FIRST SUPREME COURT DISTRICT.

County Seats marked by *

Counties.	Judicial Circuit.	Cities.
Alexander 1.....	(1) ..	Cairo*
Clinton 1	(4) ..	Breese .. Carlyle* .. Trenton
Edwards 1	(2) ..	Albion*
Franklin 1	(2) ..	Benton* .. Christopher
Gallatin 1	(2) ..	Ridgway .. Shawneetown*
Hamilton 1	(2) ..	McLeansboro*
Hardin 1	(2) ..	Elizabethtown*
Jackson 1	(1) ..	Ava .. Carbondale .. Murphysboro*
Jefferson 1	(2) ..	Mt. Vernon*
Johnson 1	(1) ..	Vienna*
Massac 1	(1) ..	Metropolis*
Monroe 1	(3) ..	Waterloo*
Perry 1	(3) ..	Duquoin .. Pinckneyville*
Pope 1	(1) ..	Golconda*
Pulaski 1	(1) ..	Mound City* .. Mounds
Randolph 1	(3) ..	Chester* .. Coulterville .. Sparta
Saline 1	(1) ..	Eldorado .. Harrisburg*
St. Clair 1	(3) ..	Belleville* .. Columbia .. East St. Louis .. Mascoutah .. Venice
Union 1	(1) ..	Anna .. Jonesboro*
Wabash 1	(2) ..	Mt. Carmel*
White 1	(2) ..	Carmi* .. Grayville

Counties.	Judicial	
	Circuit.	Cities.
Washington 1	(3)	..Nashville*
Wayne 1	(2)	..Fairfield*
Williamson 1	(1)	..Carterville
		..Herrin
		..Marion*

SECOND SUPREME COURT DISTRICT.

Bond 2	(3)	..Greenville*
Calhoun 2	(8)	..Hardin*
Christian 2	(4)	..Assumption
		..Pana
		..Taylorville*
Clark 2	(5)	..Casey
		..Marshall*
Clay 2	(4)	..Flora
		..Louisville*
Crawford 2	(2)	..Robinson*
Cumberland 2	(5)	..Toledo*
Effingham 2	(4)	..Edgewood
		..Effingham*
Fayette 2	(4)	..Vandalia*
Greene 2	(7)	..Carrollton*
		..Roodhouse
		..White Hall
Jasper 2	(4)	..Newton*
Jersey 2	(7)	..Jerseyville*
Lawrence 2	(2)	..Bridgeport
		..Lawrenceville*
Macoupin 2	(7)	..Brighton
		..Carlinville*
		..Girard
		..Mt. Olive
		..Staunton
		..Virden
Madison 2	(3)	..Alton
		..Collinsville
		..Edwardsville*
		..Granite City
		..Highland
		..Madison
		..Upper Alton

Counties.	Judicial Circuit.	Cities.
Marion 2	(4) ..	Centralia .. Kinmundy .. Salem*
Montgomery 2	(4) ..	Hillsboro* .. Litchfield .. Nokomis
Pike 2	(8) ..	Barry .. Pittsfield*
Richland 2	(2) ..	Olney*
Scott 2	(7) ..	Winchester*
Shelby 2	(4) ..	Moweaqua .. Shelbyville*

THIRD SUPREME COURT DISTRICT.

Champaign 3	(6) ..	Champaign .. Rantoul .. St. Joseph .. Urbana*
Coles 3	(5) ..	Charleston* .. Mattoon .. Oakland
DeWitt 3	(6) ..	Clinton* .. Farmer City
Douglass 3	(6) ..	Arcola .. Arthur .. Tuscola*
Edgar 3	(5) ..	Paris*
Ford 3	(11) ..	Gibson City .. Paxton*
Iroquois 3	(12) ..	Watseka*
Livingston 3	(11) ..	Dwight .. Fairbury .. Pontiac*
Logan 3	(11) ..	Lincoln*
Macon 3	(6) ..	Decatur*
McLean 3	(11) ..	Bloomington* .. Colfax .. Normal .. Saybrook
Moultrie 3	(6) ..	Sullivan*

Counties.	Judicial Circuit.	Cities.
Piatt 3	(6)	..Bement ..Mansfield ..Monticello*
Sangamon 3	(7)	..Auburn ..Springfield*
Tazewell 3	(10)	..Delavan ..Pekin* ..Washington
Vermillion 3	(5)	..Danville* ..Georgetown ..Hoopeston ..Ridge Farm

FOURTH SUPREME COURT DISTRICT.

Adams 4	(8)	..Quincy*
Brown 4	(8)	..Mt. Sterling*
Cass 4	(8)	..Beardstown ..Virginia*
Fulton 4	(9)	..Canton ..Farmington ..Lewistown*
Hancock 4	(9)	..Bowen ..Carthage* ..Hamilton ..LaHarpe ..Warsaw
Henderson 4	(9)	..Oquawka* ..Stronghurst
Mason 4	(8)	..Havana* ..Mason City
McDonough 4	(9)	..Bushnell ..Macomb*
Menard 4	(8)	..Petersburg*
Mercer 4	(14)	..Aledo*
Morgan 4	(7)	..Jacksonville*
Rock Island 4	(14)	..East Moline ..Moline ..Rock Island*
Schuyler 4	(8)	..Rushville*
Warren 4	(9)	..Monmouth*

FIFTH SUPREME COURT DISTRICT.

Counties.	Judicial Circuit.	Cities.
Bureau 5	(13)	..Ladd ..Princeton* ..Spring Valley
Grundy 5	(13)	..Coal City ..Morris* ..South Wilmington
Henry 5	(14)	..Cambridge* ..Galva ..Geneseo ..Kewanee
Knox 5	(9)	..Abingdon ..Galesburg* ..Knoxville
La Salle 5	(13)	..La Salle ..Marseilles ..Mendota ..Ottawa* ..Peru ..Streator
Marshall 5	(10)	..Henry ..Lacon* ..Toluca ..Wenona
Peoria 5	(10)	..Chillicothe ..Peoria*
Putnam 5	(10)	..Hennepin* ..McNabb
Stark 5	(10)	..Toulon* ..Wyoming
Woodford 5	(11)	..El Paso ..Eureka* ..Minonk

SIXTH SUPREME COURT DISTRICT.

Boone 6	(17)	..Belvidere*
Carroll 6	(15)	..Mt. Carroll* ..Savanna
DeKalb 6	(16)	..Dekalb ..Genoa ..Somonauk ..Sandwich ..Sycamore*

Counties.	Judicial Circuit.	Cities.
JoDaviess 6	(15)	..Galenà*
Kane 6	(16)	..Aurora ..Batavia ..Dundee ..Elgin ..Geneva* ..St. Charles
Kendall 6	(16)	..Plano ..Yorkville*
Lee 6	(15)	..Amboy ..Dixon*
McHenry 6	(17)	..Harvard ..Marengo ..Woodstock*
Ogle 6	(15)	..Oregon* ..Polo ..Rochelle
Stephenson 6	(15)	..Freeport*
Whiteside 6	(14)	..Fulton ..Morrison* ..Rock Falls ..Sterling
Winnebago 6	(17)	..Rockford*

SEVENTH SUPREME COURT DISTRICT.

Cook 7	Arlington Heights ..Berwyn ..Blue Island ..Brookfield ..Chicago* ..Chicago Heights ..Des Plaines ..Evanston ..Glencoe ..Harvey ..LaGrange ..Lemont ..Maywood ..Melrose Park ..Oak Park ..Riverside ..Wilmette ..Winnetka
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DuPage 7	(16)	..Downers Grove
		..Elmhurst
		..Glen Ellyn
		..Hinsdale
		..Lombard
		..Naperville
		..West Chicago
		..Wheaton*
Kankakee 7	(12)	..Bradley
		..Kankakee*
		..Mokena
Lake 7	(17)	..Fort Sheridan
		..Highland Park
		..Lake Forest
		..Libertyville
		..North Chicago
		..Rondout
		..Waukegan*
		..Zion City
Will 7	(12)	..Braidwood
		..Joliet*
		..Lockport

LIST OF MEMBERS BY CITIES.

ABINGDON.

Cable, P. H.

ALBION.

Fitch, Joel C.

Walker, Allen E.

ALEDO.

Bassett, I. N.

Graham, William J.

Church, William T.

Hebel, D. A.

Cook, George A.

Watson, Robert L.

ALTON.

Brown, Gilson

Marsh, J. V. E.

ARTHUR.

Watson, Marion

AURORA.

Aldrich, Nathan J.

Newhall, John K.

Alschuler, Benjamin P.

Plain, Frank G.

Fowler, William Fletcher

Putnam, Ralph C.

Galvin, James F.

Silsbee, Fred B.

Love, Charles A.

Simmons, Rufus S.

Mangan, Edward M.

Worcester, Theodore

AVA.

Keller, Kent E.

BATAVIA.

Jones, Horace N.

Mullikin, Wm. Horace

BELLEVILLE.

Baer, A. H.

Ogle, Albert B.

Halbert, William N.

Perrin, Frank

Hamill, James M.

Schaefer, Martin W.

Hamill, Charles P.

Tecklenburg, F. J.

Heinfelden, Curt H. G.

Turner, Lucius D.

Holder, R. W. D.

Winkleman, William

Merritts, Fred B.

BELVIDERE.

DeWolf, William C.

Gridley, Ernest C.

BEMENT.

Thompson, George M.

BENTON.

Hart, W. H.	Seeber, William P.
Hickman, G. A.	Spiller, W. F.
Hickman, Robert E.	Williams, Walter W.
Layman, Jasper	

BLOOMINGTON.

Bach, William R.	Foster, Geo. K.
Benjamin, R. M.	Irwin, Samuel P.
Bracken, Wm. K.	Lillard, John T.
Brennan, Martin A.	Myers, C. D.
Buck, Charles M.	Oglevee, Everett W.
Capen, Charles L.	Pingrey, Darius H.
Donnelly, E. E.	Rayburn, Calvin
FitzHenry, Louis	Welty, Sain
	Whitmore, W. W.

BLUFFS.

Funk, F. C.

BOWEN.

Crossland, Charles

BUSHNELL.

Banfill, Solon

CAIRO.

Butler, William N.	Gilbert, William B.
Dewey, William S.	Lansden, David S.
Gilbert, Miles Frederick	Lansden, John M.

CAMBRIDGE.

Hand, Fred H.	Turner, Chester M.
Linn, Almon H.	Tyler, Burton G.
Telleen, Leonard E.	

CAMBRIDGE, MASS.

Pound, Roscoe

CAMDEN.

Kay, A. H.

CANTON.

Chiperfield, Burnett M.	Miller, Gilbert L.
Chiperfield, C. E.	Moran, H. C.
Grant, Frederick M.	Taff, A. E.

CARBONDALE.

Barr, W. W.	Hamilton, Charles E.
Caldwell, Andrew S.	Smith, Thomas B. F.
Feirich, Charles E.	

CARLINVILLE.

Anderson, W. E. P.
Burton, F. W.
Duggan, Andrew J.
Hemphill, Victor
Knotts, Edward C.

Peebles, Jesse
Searcy, James B.
Snell, Truman A.
Woods, Charles H.

CARLYLE.

Murray, Hugh V.

CARBOLLTON.

Jones, Norman L.
Montgomery, H. H.

Rainey, Henry T.

CARTERVILLE.

Gallimore, John L.

CARTHAGE.

Babcock, Rolla
Berry, Orville F.
Johnson, Clyde P.

Naylor, Samuel
O'Harra, Appollos W.
Scofield, Charels J.

CASEY.

Arney, John J.

CENTRALIA.

Bundy, John J.
Dwight, Samuel L.
Noleman, Frank F.

Rodenberg, A. D.
Smith, June C.

CHAMPAIGN.

Boyer, Harry B.
Busch, Louis A.
Coggeshall, F. A.
Dobbins, Oliver B.
Dolan, W. J.
Enochs, Delbert R.
Gulick, Joseph P.
Hamill, Fred B.
Harker, Oliver A.

Iungerich, C. R.
Lyons, T. E.
Jones, Leonard H.
Miller, Harry M.
Riley, Walter B.
Savage, Manford
Schaefer, Peter P.
Schumacher, H. T.
Walker, Clyde H.
Woods, W. F.

CHARLESTON.

Anderson, Albert C.
Anderson, S. S.
Cone, William S.

Dunn, F. K.
Neal, Henry A.

CHESTER.

Crisler, A. E.

Horner, Henry Clay

CHICAGO.

Abbey, Charles P.....	1608-12 Tribune Building
Abbott, William T.....	125 Monroe St.
Abbott, Edwin H.....	414 First National Bank Building
Adams, Cyrus H., Jr.....	1600-72 W. Adams Street
Adams, Francis	5724 Kenmore Ave.
Adams, George E.....	407 The Temple
Adams, Samuel	137 So. La Salle Street
Adams, William A.....	715 Tacoma Building
Addington, Keene H.....	1610 Ft. Dearborn Building
Adkinson, Elmer W.....	167 W. Washington Street
Adler, Sidney	1301-5 Otis Building
Alden, W. T.....	1104-11 Corn Exchange Bank Bldg.
Aldrich, Charles H.....	418 Home Insurance Building
Alschuler, Samuel	Federal Building
Alsager, C. Martin.....	155 No. Clark St.
Alzheimer, B. J.....	401 Otis Bldg.
Angerstein, Thomas C.....	29 So. La Salle St.
Anthony, George D.....	1007 So. Dearborn Street
ApMadoc, William Tudor.....	1542 First National Bank Building
Appell, Albert J. W.....	518 Ashland Block
Appell, Carl J.....	1007 Stock Exchange Building
Armitage, Elton C.....	105 W. Monroe St.
Arnd, Charles	601-4 54 W. Randolph St.
Arnold, Victor P.....	1907 City Hall Square Building
Ashcraft, E. M.....	1021 The Temple
Ashcraft, Raymond M.....	1021-184 La Salle Street
Atkinson, Charles A.....	168 No. Michigan Avenue
Austin, C. G., Jr.....	311 Dearborn Station
Austrian, Alfred S.....	Cont. & Com. Bank Building
Bacon, Henry M.....	1430 First National Bank Bldg.
Baer, A. H.....	First Nat'l Bank Bldg.
Baer, Otto	1031-36 Unity Building
Bagby, George M.....	646 Otis Building
Baker, Dillard B.....	848 National Life Building
Baldwin, Francis E.....	72 W. Monroe St.
Baldwin, Henry R.....	708 Reaper Block
Baldwin, Jesse A.....	705 County Building
Baldwin, R. R.....	610 Borden Block
Ball, Farlin H.....	805 Title & Trust Building
Bancroft, Edgar A.....	1620 Corn Exchange Bank Building
Bangs, Fred A.....	522-3 First National Bank Building
Bangs, Hal C.....	2010 Cont. & Com'l Bank Bldg.
Banning, Thomas A.....	1628-32 Marquette Building

CHICAGO—Continued.

Barasa, Bernard P.....	317-24 Unity Building
Barbour, James J.....	707 Tacoma Bldg.
Barker, Burt Brown.....	801 Merchant's Loan & Trust Bldg
Barnes, John P.....	1228 Nat'l Life Bldg.
Barnes, Albert C.....	Judge Appellate Court
Barnett, Otto R.....	1520 Monadnock Building
Barnhart, Marvin E.....	Criminal Court Building
Barrett, George F.....	524 National Life Building
Barrett, George Farmer.....	721 N. Y. Life Building
Barrett, Oliver R.....	1406 Tribune Building
Barry, Gerald G.....	731 1st Nat'l Bank Bldg.
Barron, Edward H.....	24 So. Michigan Avenue
Bartelme, Mary M.....	1040 Otis Building
Bartholomay, Henry.....	1205 First National Bank Bldg.
Bartlett, Charles Carroll.....	404 First National Bank Bldg.
Bartlett, Charles L.....	703 Title & Trust Building
Bartley, Charles E.....	1253 Conway Bldg.
Bates, Jeanette	1001 Unity Building
Batten, John H.....	910 Title & Trust Building
Bayley, Edwin F.....	1114 Association Building
Beach, Elmer E.....	1501-4 Ashland Block
Beach, Raymond W.....	1501-4 Ashland Block
Beale, William G.....	1600-72 W. Adams Street
Becker, Benjamin V.....	1546 American Trust Building
Beckwith, John W.....	810 Chicago Title & Trust Bldg.
Behan, Louis J.....	1352 Otis Building
Bell, Hayden N.....	507 County Building
Bell, M. L.....	1025 La Salle Street Station
Bell, William J.....	1008 Title & Trust Building
Bettler, Henry C.....	314 Harris Trust Bldg.
Berger, Henry A.....	511 City Hall
Berkson, Maurice	934-39 Stock Exchange
Bern, Edward A.....	4616 Prairie Avenue
Bernstein, Benjamin H.....	1001 Ashland Block
Bestel, Lucius W.....	319 The Temple
Beye, William	1768-208 So. LaSalle St.
Bigelow, Harry A.....	Univ. of Chicago Law School
Billings, Charles L.....	1001-4 Title & Trust Building
Binswanger, Augustus.....	1520 Ft. Dearborn Building
Bishop, James F.....	1001-4 Title & Trust Building
Bither, William A.....	1721-25 Harris Trust Building
Blake, Guy M.....	614-118 LaSalle Street
Blake, Freeman K.....	1439 Unity Building

CHICAGO—Continued.

Blocki, Gale.....	1350 First National Bank Bldg.
Bloomington, John A.....	1310 Security Building
Blumenthal, Isadore S.....	1616 Tribune Building
Boardman, Norman H.....	Chicago
Bobb, Dwight S.....	1100 American Trust Building
Boddinghouse, R. W.....	Chicago Title & Trust Co.
Bolen, John L.....	1118 Hartford Building
Borders, M. W.....	549-59 The Rookery
Boughan, Andrew B.....	712 Otis Building
Boyden, William C.....	1130-134 So. La Salle Street
Boylan, Peter Richard.....	1506 Tribune Building
Boyle, Edward.....	1043-52 National Life Building
Boyle, Lawrence P.....	1020 Harris Trust Building
Bradley, Thomas E. D.....	1404 Association Building
Bradley, Ralph R.....	420 The Rookery
Bradwell, Thomas.....	30 No. Dearborn Street.
Brannan, George E.....	1001 Title & Trust Building
Brecher, Oscar W.....	808-167 Washington Street
Breding, Ben N.....	1132 American Trust Building
Brendecke, Walter A.....	657-38 So. Dearborn Street
Brentano, Theodore.....	Superior Court
Brewer, Harry F.....	139 N. Clark St.
Brickwood, Blain J.....	811 Rector Building
Brothers, Elmer D.....	602 New York Life
Brown, Edward O.....	Appellate Court
Brown, C. LeRoy.....	928 Otis Building
Brown, Frederick A.....	1518 Otis Bldg
Brown, James E.....	1253 Conway Bldg.
Brown, John A.....	1601 Title & Trust Building
Brown, Stewart Reed.....	904 Bell Telephone Bldg.
Brown, Taylor E.....	808 Marquette Building
Bruhlman, Otto C.....	511 City Hall
Bryan, William E.....	1512 Ashland Block
Bryant, John M.....	1414 Ft. Dearborn Building
Bruggemeyer, Mancha.....	301 Ashland Block
Buckingham, George T.....	1720 Borland Bldg.
Buckley, Thomas M.....	3908 Cottage Grove Ave.
Buell, Charles C.....	1608-12 Tribune Building
Bulkley, Almon W.....	515-19 Home Insurance Building
Bull, Follett W.....	1113 The Rookery
Bunch, Thaddeus O.....	1717 Harris Trust Building
Burchard, John C.....	1450 Otis Building
Burdette, John W.....	111 W. Washington Street
Burke, Edmund W.....	1002 Hartford Building

CHICAGO—Continued.

Burke, Thomas F.....	1610 Conway Building
Burkhalter, Robert P.....	1634-72 W. Adams Street
Burley, Clarence A.....	1212 Rector Building
Burnham, Hugh L.....	1624-14 E. Jackson Blvd.
Burns, Randall W.....	1602 Corn Exchange Bank Bldg.
Burns, William Foster.....	915 Chamber of Commerce
Burras, Charles H.....	421 The Rookery
Burras, Joseph R.....	1217 Conway Bldg.
Burry, George	1605 Ashland Block
Burry, William	925 The Temple
Burton, Charles S.....	1410 Marquette Building
Burton, Robert A.....	1353 Conway Bldg.
Busby, Leonard A.....	804 Borland Bldg.
Busch, Francis X.....	830 National Life Bldg
Butler, Rush C.....	1414 Monadnock Building
Butz, Otto C.....	901 Title & Trust Building
Bynum, James L.....	1517-24 Unity Building
Cain, Frank R.....	1308 City Hall Square Bldg
Cahn, Bertram J.....	423 So. Franklin Street
Calhoun, H. Clay.....	1310-123 W. Madison Street
Cameron, John M.....	811-815 The Rookery
Cameron, Ossian	1501-6 Otis Building
Campbell, H. Erskine.....	1301 First National Bank Bldg.
Campbell, Herbert J.....	1444 1st Nat'l Bank Bldg.
Campbell, John G.....	1542 1st Nat'l Bank Bldg.
Campbell, Robert W.....	1768-208 So. La Salle Street
Cannon, Thomas H.....	1225 Stock Exchange
Capesius, Wm.....	1504 City Hall Square Bldg.
Carnahan, C. C.....	1200-4 Westminster Building
Carlin, Nellie	226 County Building
Carson, William Sherman.....	901 Tacoma Building
Carter, Allan J.....	826 Federal Building
Carter, Orrin N.....	1022 Court House Building
Carton, Alfred T.....	1000 American Trust Building
Case, Charles Center, Jr.	56-106 No. La Salle Street
Case, Theodore G.....	20-106 No. La Salle Street
Case, William W.....	1130-134 So. La Salle Street
Cassels, Edwin H.....	1145 The Rookery
Castle, Howard P.....	816-17 National Life Building
Castle, Percy V.....	816-17 National Life Building
Caswell, C. L., Jr.....	1809-12 City Hall Square Bldg.
Caverly, John R.....	Municipal Court
Cavette, Scott O.....	828-31 Stock Exchange Bldg.
Caylor, Worth E.....	501 Title & Trust Building

CHICAGO—Continued.

Cermack, Jerome J.....	1630 Tribune Building
Chace, Henry T. Jr.....	303 Reaper Block
Chancellor, Justus.....	704 Pullman Building
Chandler, Henry P.....	1309 Stock Exchange Building
Chapman, Theodore.....	301 Harris Trust Building
Charles, Albert N.....	913 Asland Block
Chilcoat, Allen B.....	408 Ashland Block
Childs, Frank Hall.....	2241 Calumet Ave.
Childs, Robert W.....	39 So. La Salle St.
Chindblom, Carl R.....	808-167 W. Washington St.
Chones, William.....	918 Chamber of Commerce
Chritton, George A.....	1508 Marquette Building
Churan, Charles A.....	828 Unity Building
Church, William E.....	1303 Title & Trust Building
Chytraus, Axel.....	1228-29 So. La Salle Street
Clark, Charles D.....	940 The Rookery
Clark, Charles V.....	1444 1st Nat'l Bank Bldg.
Clark, William O'Dell.....	640 W. Lake Street
Cleland, McKenzie.....	962-4 Insurance Exchange Building
Cleveland, C. E.....	1546 American Trust Building
Clifford, Eugene.....	1117-127 No. Dearborn Street
Clifford, R. W.....	1040 Tribune Bldg.
Clithero, Delbert A.....	1018 Hartford Building
Coburn, John J.....	58-106 No. La Salle Street
Cochran, John R.....	208 So. La Salle Street
Coghlan, Henry D.....	166 W. Washington Street
Collins, B. B.....	109 N. Dearborn Street
Colson, Harry G.....	1438 First National Bank Building
Comerford, Frank.....	905 Ashland Block
Condee, L. D.....	402-35 No. Dearborn Street
Condon, James G.....	1600 First National Bank Bldg.
Connell, J. A.....	1100-547 W. Jackson Boulevard
Cook, Horace Wright.....	832-36 Stock Exchange Building
Cook, Walter Wheeler.....	University of Chicago Law School
Cook, Wells M.....	916 New York Life Building
Cooney, Richard J.....	1933 Conway Bldg.
Coonley, Henry E.....	400-30 No. Dearborn Street
Cooper, William Fenimore.....	Superior Court
Cooper, Joseph R. W.....	600 Portland Block
Cornwell, Willet H.....	1430 First National Bank Building
Costigan, George P.....	31 West Lake Street
Cottrell, William N.....	1402 Title & Trust Building
Coulter, John H.....	404-6 Harris Trust Bldg.
Cowen, Israel J.....	907 Tacoma Building

CHICAGO—Continued.

Crafts, Clayton Edward.....	925-6 Chicago Stock Exchange Bldg.
Craig, Bryan Y.....	Stock Exchange Building
Craig, L. H.....	800 Boyce Bldg.
Crane, Joseph V.....	519-58 W. Washington Street
Creekmur, John W.....	1407 Marquette Building
Cressy, Morton S.....	828 Unity Bldg.
Crews, Ralph.....	1100 American Trust Building
Crossley, Frederick B.....	31 West Lake Street
Culver, Alvin H.....	912-15 N. Y. Life Building
Culver, Morton T.....	1729-9 Conway Bldg.
Cummins, Joseph.....	1300-123 W. Madison Street
Curran, John M.....	1316-20 Stock Exchange Bldg.
Currier, Albert Dean.....	615 Home Insurance Building
Cushing, Royal B.....	1768-208 So. LaSalle Street
Cutting, Charles S.....	1007 Tacoma Building
D'Ancona, Edward N.....	1038 to 1045 Stock Exchange Bldg.
Darrow, Clarence S.....	1202 Ashland Block
Daugherty, Harry A.....	1206-112 W. Adams Street
David, Joseph B.....	16-18 Metropolitan Block
Davidson, John L.....	112 W. Adams St.
Davis, Brode B.....	1011 The Rookery
Davis, James Ewing.....	1016 Ashland Block
Davis, Morgan L.....	826 Federal Bldg.
Dawes, Chester M.....	1100-547 W. Jackson Boulevard
Dawson, George E.....	1445 First National Bank Building
Dawson, Thomas J.....	1318 Ashland Block
Day, Stephen A.....	712 New York Life Building
Deneen, Charles S.....	29 So. La Salle Street
Deering, Thomas G.....	1340 First National Bank Building
DeFrees, Joseph H.....	1720 Borland Bldg.
DeGrazia, John.....	307 Ashland Block
Dent, Louis L.....	549 The Rookery
Dent, Thomas.....	610 Portland Block
Devine, Miles J.....	320 Reaper Block
DeYoung, Frederic R.....	828-127 No. Dearborn Street
Diamond, Jacob.....	810 Tacoma Building
Dick, Homer T.....	724 McCormick Building
Dicker, Edward A.....	1315 Marquette Building
Dickinson, John R.....	1329 Railway Exchange Building
Dickinson, J. M.....	600 The Temple
Dierssen, George E.....	815 Lumber Exchange Bldg.
Dittus, Jacob E.....	1522-25 Harris Trust Building
Dixon, George William.....	425 So. 5th Avenue
Dixon, Simeon W.....	1104 Karpen Building

CHICAGO—Continued.

Dixon, William Warren.....	940 The Rookery
Dobyns, Fletcher.....	1060 The Rookery
Dolan, Harry P.....	City Hall
Dolph, Fred A.....	1606 Tribune Building
Donovan, Rupert D.....	1400 First National Bank Building
Douglass, George L.....	806 The Temple
Dow, Harry A.....	Harris Trust and Savings Block
Dow, Lorenzo E.....	1300-123 W. Madison Street
Doyle, Leo J.....	1119 The Rookery
Doyle, William A.....	1207 First National Bank Building
Doyle, W. J.....	567 National Life Building
Drennan, John G.....	135 Park Row
Dresser, Jasper M.....	2085-208 So. La Salle Street
Duncombe, Herbert S.....	1352-10 So. La Salle Street
Dunne, Edward F. Jr.....	1905 Conway Building
Dunn, Robert W.....	712 Otis Building
Dupee, Eugene H.....	703 Title & Trust Building
Dupuy, George Alexander.....	I. C. R. R., Park Row
Durand, Arthur F.....	1314-16 Fisher Building
Dynes, O. W.....	1339 Railway Exchange Building
Dyrenforth, Arthur.....	914 Marquette Building
Early, Joseph P.....	11 No. La Salle Street
Eames, Joseph P.....	1010 Title & Trust Building
Earley, John.....	848 Otis Building
Eaton, Charles Scribner.....	500 Portland Block
Eaton, Marquis.....	1720 Borland Building
Eastman, Albert N.....	900 The Temple
Eastman, Sidney Corning.....	901 Monadnock Building
Eckhart, Percy B.....	1340 First National Bank Building
Eddy, Alfred D.....	3836 Ellis Ave.
Eddy, Arthur J.....	800 The Temple
Edelman, Leon.....	510 Ashland Block
Ellis, John W.....	69 W. Washington St.
Ellingson, Girard A.....	72 W. Adams St.
Elsdon, James G.....	1200-04 Westminster Building
Elting, Victor.....	1130 Corn Exchange Bldg.
Emerick, William H. Pauling.....	1109 Stock Exchange Building 18 Rue Royale, Paris, France
Emrich, Myer S.....	602 City Hall
English, Lee F.....	1011 Railway Exchange Building
Ennis, Alfred.....	
Ennis, James I.....	1334-40 Stock Exchange Building
Erb, J.....	816 Ashland Block
Erland, Henry H.....	500 W. Huron Street

CHICAGO—Continued.

Ettelson, Samuel A.....	511 City Hall
Evans, Lynden.....	511 Portland Block
Evans, John T.....	1119 The Rookery
Everett, Edward W.....	1400 First National Bank Building
Ewarts, Peter.....	1201-6 Title & Trust Building
Fairfield, Frank M.....	602 New York Life Building
Fake, Frederick Lewis.....	1016-29 So. La Salle Street
Falk, Lester L.....	1620 Corn Exchange Bank Building
Farwell, John C.....	1012 Ft. Dearborn Building
Fassett, Eugene G.....	414 First National Bank Building
Faulkner, Chas. J., Jr.....	137 So. La Salle Street
Felsenthal, Eli B.....	810 Chicago Title & Trust Building
Felsenthal, Edward G.....	810-69 W. Washington Street
Ferguson, Elbert C.....	1450 Otis Building
Fifer, Ernest R.....	1504 City Hall Square Building
Fischer, Gustave F.....	1418 Westminster Building
Fisher, George P.....	1431 Marquette Building
Fisher, Harry M.....	City Hall
Fisher, Robert E.....	1200-76 W. Monroe Street
Fitch, Joseph H.....	1129 County Building
Flannery, Daniel F.....	1200 Westminster Building
Fleming, Joseph B.....	826 Federal Bldg.
Fletcher, R. V.....	135 East 11th Place
Foell, Charles M.....	Superior Court
Fogle, John L.....	1121 Ft. Dearborn Building
Follansbee, George A.....	405 Home Insurance Building
Follansbee, Mitchell D.....	405-12 Home Insurance Building
Folonie, Robert J.....	1027 New York Life Bldg.
Foltz, I. W.....	501 Unity Building
Footo, Roger L.....	1602 Corn Exchange Bank Building
Fordham, Albert C.....	1714 Tribune Bldg.
Foreman, Milton J.....	817 First National Bank Building
Forrest, Wm. S.....	1320 Westminster Building
Forstall, James Jackson.....	1023 Home Insurance Building
Foss, Martin H.....	1520-105 So. La Salle
Foster, Stephen A.....	1414 Monadnock Building
Foster, William Elmore.....	1414 Fort Dearborn Building
Frank, Robert J.....	722-3 First National Bank Building
Freeman, Henry W.....	826 Federal Building
Freund, Ernst.....	University of Chicago
Friedlander, Samuel.....	1334 First National Bank Building
Friedman, Herbert J.....	906 Strauss Building
Friedman, William.....	804-8 Harris Trust Bldg.
Frost, E. Allen.....	1228-29 So. La Salle Street

CHICAGO—Continued.

Fry, George C.....	36-128 No. La Salle Street
Fry, Sheridan E.....	Municipal Court
Funk, Antoinette.....	142 Unity Bldg.
Fyfe, Colin C. H.....	111 W. Monroe Street
Gallagher, M. F.....	1606 Tribune Building
Gallery, Daniel V.....	1110 Title & Trust Building
Gann, David B.....	1701 Borland Building
Garnett, Eugene H.....	1538 Tribune Building
Gascoigne, James B.....	905 First National Bank Building
Gash, A. D.....	118 No. La Salle Street
Gates, Albert R.....	910-13 Title & Trust Building
Gayin, John F.....	1222 First National Bank Building
Gavin, Richard I.....	1344-127 No. Dearborn Street
Geer, Ira J.....	1506 Ashland Block
Gehr, S. W.....	Room 400 Pullman Building
Gemmill, William N.....	Municipal Court
Gibbons, John.....	Circuit Court
Gilbert, J. Thornton.....	1007 Ft. Dearborn Building
Girten, M. F.....	966 People's Gas Building
Glad, Edward A.....	2100 W. North Avenue
Godman, Elwood G.....	808 Marquette Building
Goodwin, Clarence N.....	Superior Court
Goodwin, John S.....	304 The Temple
Gorham, Sidney S.....	1018-22 New York Life Building
Gorman, George E.....	729-32 Stock Exchange Building
Goss, Ferdinand.....	1040-48 Tribune Building
Graves, Albert H.....	1228 Monadnock Building
Grawoig, Garrison.....	1401 Conway Bldg.
Graydon, Thomas J.....	603 Masonic Temple
Greely, Lewis M.....	611 Portland Block
Greene, J. Kent.....	917 City Hall
Green, Edward J.....	1518 Ashland Block
Greenacre, Isalah T.....	401-32 W. Washington Street
Greenfield, Charles W.....	1016 Insurance Exchange
Gregory, S. S.....	1103-69 W. Washington Street
Gresham, Otto.....	1201 Title & Trust Building
Gridley, Martin M.....	Appellate Court
Griffen, Alonzo M.....	1304 Ashland Block
Gross, Alfred H.....	713-108 So. La Salle Street
Gualana, Alberto N.....	167 No. Clark Street
Guerin, Mark E.....	1040 Tribune Building
Guerin, Henry M.....	1406 Tribune Building
Guernsey, Guy.....	1515 Harris Trust Building
Guilliams, John R.....	600 Washington Boulevard

CHICAGO—Continued.

Gurley, W. W.....	914 Marquette Building
Hackett, LeRoy.....	1119-209 So. La Salle Street
Haft, Charles M.....	58 W. Randolph Street
Hagan, Henry M.....	1201-2 Marquette Building
Hales, Earl C.....	605 Association Building
Hale, Wm. B.....	1616 Marquette Building
Hall, James Parker.....	University of Chicago Law School
Hall, Ross C.....	1612 Ashland Block
Hamill, Charles H.....	1400 Fort Dearborn Building
Hamilton, Isaac Miller.....	168 No. Michigan Ave.
Handy, James S.....	904 Rector Building
Hanecy, Elbridge.....	1222 First National Bank Building
Harding, Charles F.....	801 Home Insurance Building
Harkin, Daniel V.....	830 Nat'l Life Bldg.
Harlan, John Maynard.....	1132 Marquette Building
Harper, Samuel A.....	1404 Association Building
Harper, Francis A.....	830 National Life Building
Harpham, Edwin L.....	1016 Insurance Exchange
Harris, John F.....	1628 Unity Building
Harris, Paul P.....	1317-24 Unity Building
Harrold, James P.....	304 The Temple
Hart, Edgar R.....	C. & N. W. R. R. Law Dept.
Hart, Louis E.....	959 The Rookery
Hartman, Harleigh H.....	1600 Westminster Bldg.
Hartray, William C.....	315-179 Washington Street
Hawxhurst, Ralph R.....	900 The Temple
Hauze, William R.....	902 Ft. Dearborn Building
Havard, Charles Henry	1310 Title & Trust Building
Hawkins, Kenneth B.....	1145 The Rookery
Hayes, Howard W.....	1518 Otis Building
Haynie, William Duff.....	1120-112 W. Adams Street
Healy, Edward B.....	700 First National Bank Building
Healy, John J.....	1228-29 So. La Salle Street
Healy, Thomas J.....	716 Nat'l Life Bldg.
Hebard, Frederic S.....	Cont'l & Com'l Nat'l Bank
Heckler, Charles E.....	1515 Harris Trust Building
Heckman, Wallace	1204 Corn Exchange Building
Helmer, Frank A.....	1217-23 Westminster Building
Helander, William E.....	1620-134 So. La Salle Street
Henry, Lewis.....	109 N. Dearborn Street
Herrick, Walter D.....	1640 Edison Building
Hess, Franklin.....	606 So. Michigan Ave.
Hess, George W.....	81 Metropolitan Block
Heyman, Alexander H.....	815 Marquette Building

CHICAGO—Continued.

High, Shirley T.....	410 Portland Block
Hill, Frank C.....	708 Reaper Block
Hill, John W.....	1462-64 Monadnock Block
Hillis, Frank N.....	614-118 La Salle Street
Hillis, Edward R.....	1212 Rector Building
Hinton, E. W.....	University of Chicago Law School
Hirtzel, Cora B.....	1210 Hartford Building
Hitch, Marcus.....	901 Title & Trust Building
Hoag, Parker H.....	1305 Fisher Building
Holdom, Jesse.....	2080 Cont'l & Com'l Bank Bldg.
Holden, Walter S.....	1110 Title & Trust Building
Holland, John E.....	1213 First National Bank Building
Holly, W. H.....	828 Unity Building
Hopkins, Albert L.....	826 Federal Building
Hopkins, Jacob H.....	Municipal Court
Hopkins, John L.....	1407 Marquette Building
Horner, Henry.....	1003 Strauss Building
Horton, Walter S.....	135 East 11th Place
Houlihan, Francis J.....	1104 Rector Building
Howe, Beverly W.....	311 Dearborn Street Station
Howe, Thomas F.....	1714 Tribune Bldg.
Hoyne, Maclay.....	507 County Bldg.
Hoyne, Thomas M.....	1007 Stock Exchange Building
Hoyt, Frank W.....	115 So. Dearborn St.
Huff, Thomas D.....	832-36 Stock Exchange Building
Hughes, Charles.....	815 City Hall Square Building
Hulbert, Alfred Roy.....	1812 Harris Trust Building
Humbert, A. P.....	135 E. 11th Place
Hume, Frank L.....	1702 Majestic Theatre Building
Hummeland, Andrew.....	401-58 W. Washington Street
Hummer, John S.....	710 Title & Trust Building
Humphrey, Wirt E.....	1311 Ashland Block
Huszagh, Rudolph D.....	503 Title & Trust Building
Hyde, James W.....	1407 Marquette Building
Hyzer, Edward M.....	502-226 W. Jackson Boulevard
Ickes, Harold L.....	1817-20 Harris Trust Building
Iles, Robert S.....	1522 Tribune Bldg.
Innes, Alexander J.....	1308 Marquette Bldg.
Irving, S. C.....	1652 Otis Building
Irwin, Harry D.....	1007 Stock Exchange Building
Jacobs, Lawrence B.....	164 W. Washington St.
Jacobs, Walter H.....	1400 First National Bank Building
Jameson, Stillman B.....	1506 Ashland Block
Janiezeski, Frank H.....	507-179 W. Washington Street

CHICAGO—Continued.

Jarecki, Edmund K.....	Municipal Court
Jarrett, D. I.....	1453 Conway Building
Jarvis, William B.....	707 Straus Building
Jefferson, Carl A.....	1335 Railway Exchange Building
Jenks, A. B.....	1308 City Hall
Jennings, Everett.....	1501 City Hall Square Building
Jetzinger, David.....	1612 Ashland Block
Johnson, H. McClury.....	1620 Corn Exchange Bank Building
Johnson, William H.....	429 Stock Exchange Building
Johnston, Frank, Jr.....	208 City Hall
Johnstone, F. B.....	925 The Temple
Jones, Charles J.....	904-109 N. Dearborn Street
Jones, Frank H.....	Cont. & Com. National Bank Building
Jones, N. R.....	304 Straus Bldg.
Jones, N. M.....	1201 Merchants Loan & Trust Bldg.
Jones, W. Clyde.....	1610 Fort Dearborn Building
Juul, Nells.....	705 Association Building
Kahn, Julius M.....	309 Harris Trust Building
Kales, Albert M.....	1616 Marquette Building
Kannally, M. V.....	1353 Conway Bldg.
Kaplan, Nathan D.....	826 Otis Bldg.
Kasper, Frederick J.....	1301 First National Bank Building
Kavanagh, Marcus.....	Superior Court
Keedy, Edwin R.....	Northwestern Univ.
Keehn, Roy D.....	1151 Otis Building
Keeley, William E.....	802-118 No. La Salle Street
Kehoe, John E.....	1334 First National Bank Building
Kelly, George Thomas.....	1616 Marquette Building
Kelly, James J.....	1001 Title & Trust Building
Kelly, John J. M.....	1308 Marquette Building
Kerr, Robert J.....	701-19 So. La Salle Street
Kerr, Samuel.....	701-19 So. La Salle Street
Kersten, George.....	Criminal Court Building
King, Christopher.....	912-15 New York Life Building
King, Samuel B.....	1331 First National Bank Building
Kirkland, Lloyd G.....	1601 Title & Trust Building
Klien, John P.....	816 Ashland Block
Kline, Julius R.....	1418 Ashland Block
Kline, William M.....	1340 First National Bank Building
Knapp, Kemper K.....	1768-208 So. La Salle Street
Knecht, Samuel E.....	142 Washington Street
Knox, Samuel F.....	415 First National Bank Building
Knudson, Charles S.....	1603 Ashland Block
Koenig, Ruby.....	2080 Cont'l & Com. Nat. Bank Bldg.

CHICAGO—Continued.

Koepke, Charles A.....	903 Schiller Building
Kompel, Morris.....	502-3 Ashland Block
Kraft, William F.....	517 Harris Trust Building
Kraus, Adolph	1230-48 Tribune Building
Kreamer, Ernest L.....	1714 Tribune Bldg.
Krette, Frank L.....	600 West Washington Street
Krette, George H.....	1606-8 Otis Building
Kremer, Charles E.....	1012 Insurance Exchange Building
Kropf, Oscar A.....	1928 Insurance Exchange
Kuebler, G. J.....	724 Nat'l Life Bldg.
Kurz, Adolph.....	1104 Rector Building
LaBuy, Joseph S.....	Municipal Court
Lambert, James K.....	506 Fort Dearborn Building
Lamborn, Charles W.....	1515-111 W. Monroe Street
Landon, Benson.....	720 Westminster Building
Langworthy, Benj. F.....	1140 First National Bank Building
Lasker, Isidore.....	1009 City Hall Square Building
Latham, Carl R.....	1104 Corn Exchange Bank Building
Leach, Thomas A.....	710-712 Schiller Building
LeBosky, Jacob.....	820-24 Unity Building
Lee, Blewett.....	135 E. 11th Place
Lee, Edward T.....	209 Portland Block
Lee, John H. S.....	905 First National Bank Building
Leffingwell, Frank P.....	1207 Merchants Loan & Trust Bldg.
Legg, Chester Arthur.....	1145 The Rookery
Leman, Henry W.....	1209 Title & Trust Building
Lewis, James Hamilton.....	1648 Edison Bldg.
Levinson, Harry C.....	1016-29 So. La Salle Street
Levy, David R.....	1200 Tribune Building
Levy, Harry H.....	801-25 No. Dearborn Street
Levy, Sylvanus George.....	1607 Ft. Dearborn Building
Lighthall, Henry S.....	614-118 No. La Salle Street
Lincoln, Walter K.....	715 Merchants L. & T. Bldg.
Linthicum, C. C.....	715 Monadnock Building
Lipson, Isaac B.....	1607 Ft. Dearborn Building
Litzinger, Edward R.....	716 National Life Building
Lloyd, Herbert R.....	1506 Tribune Building
Loesch, Charles F.....	1540 Otis Building
Loesch, Frank J.....	1540 Otis Building
Long, Jesse R.....	805-17 National Life Building
Long, Theodore K.....	4823 Kimbark Avenue
Longenecker, R. R.....	725 Chi. Stock Exchange Building
Lord, Frank E.....	1011 The Rookery
Loucks, Charles O.....	1213 Tacoma Building

CHICAGO—Continued.

Lowe, F. MacDonald.....	612 Chamber of Commerce
Lowes, George N. B.....	1620 Corn Exchange Bank Building
Lowenthal, Fred.....	109 No. Dearborn Street
Lowy, Charles F.....	437-44 Stock Exchange Building
Luby, Oswald D.....	10 S. LaSalle Street
Lunsford, Todd.....	Union League Club, Room 621
Lurie, Harry J.....	1410 Title & Trust Building
Luster, Max.....	920-24 Unity Building
Mable, Abram E.....	811-812 Ashland Block
MacChesney, Nathan William.....	1321-4 Stock Exchange
Macomic, Chester A.....	305-119 W. Madison Street
Mack, Julian W.....	Federal Bldg
Mack, Louis W.....	1620-134 So. La Salle Street
MacLeish, John E.....	1620 Corn Exchange Bank Building
Magee, Henry W.....	1802-208 So. La Salle Street
Maher, Edward.....	140 N. Dearborn Street
Maher, Michael E.....	1420 Unity Building
Mahoney, Charles L.....	39 So. La Salle
Manierre, George W.....	1008 Harris Trust Building
Mains, Frederick D.....	46-106 No. La Salle Street
Mann, Donald H.....	940 The Rookery
Marshall, Thomas	Room 752 Otis Building
Marshall, Thos. L.....	135 East 11th Place
Marso, Michael.....	1520-139 No. Clark Street
Marston, Thomas B.....	417 Home Insurance Building
Martin, A. W.....	707 Tacoma Building
Martin, Hugh T.....	10 So. La Salle Street
Martyn, Chauncey W.....	934-72 W. Adams Street
Marx, Frederick Z.....	1310 Title & Trust Building
Mason, Charles T.....	503-134 Washington Street
Mason, George A.....	1508 Title & Trust Building
Mason, George H.....	600 Portland Bldg
Mason, Roswell B.....	1010 Marquette Building
Mason, William E.....	319 The Temple
Masters, Edgar L.....	1310-12 Marquette Building
Mastin, George C.....	1104-8 Fisher Building
Matchett, David F.....	913-19 Fort Dearborn Building
Mathias, Lee D.....	1626 Conway Building
Matthews, Francis E.....	2010 Continental & Com'l Bank Bldg.
Matz, Rudolph.....	1130-134 So. La Salle Street
Mayer, Elias	1633 First National Bank Building
Mayer, E. B.....	401 Otis Building
Mayer, Isaac H.....	2010 Continental & Com'l Bank Bldg.
Mayer, Levy	2010 Continental & Com'l Bank Bldg.

CHICAGO—Continued.

Maxwell, William W.....	301 Ashland Block
McClellan, James S.....	1630 Tribune Building
McClelland, Thomas S.....	83 Metropolitan Block
McClory, Frederick S.....	804 Strauss Building
McCordick, Alfred E.....	923 The Rookery
McCormick, Robert H.....	332 So. Michigan Avenue
McCulloch, Catherine Waugh.....	1104 Merchants Loan & Trust Bldg.
McCulloch, Frank H.....	1104 Merchants Loan & Trust Bldg.
McDonald, Charles A.....	Superior Court
McEwen, Willard M.....	1630 Tribune Building
McGinn, Frank P.....	30 No. La Salle St.
McGilvray, D. H.....	1010 Title & Trust Building
McGoorty, J. P.....	Circuit Court
McGovney, Arthur W.....	224 No. Desplaines St.
McHenry, William C.....	600 Borland Bldg
McIlvaine, Alan.....	1210 Borland Building
McIlvaine, William B.....	1605 Marquette Building
McInerney, Joseph A.....	109 No. Dearborn Street
McIntyre, George V.....	804 Tacoma Building
McKenna, Phillip J.....	30 No. La Salle St.
McKeown, John A.....	111 West Washington Street
McKenzie, William D.....	1768-208 So. La Salle Street
McKinley, Archibald A.....	720 National Life Building
McKinley, Wm.....	724 Nat'l Life Bldg.
McKinney, Hayes.....	709 Harris Trust Bldg.
McNett, Charles S.....	30-143 No. Dearborn Street
McMath, James C.....	1307-59 E. Madison St.
McMurdy, Robert	1303 Title & Trust Building
McNett, Willard C.....	801 Home Insurance Building
McShane, James C.....	822 New York Life Building
McSurely, William H.....	Appellate Court
Meagher, James F.....	1500 First National Bank Building
Meanor, Anson E.....	903 Strauss Building
Mecartney, Harry S.....	1023 Home Insurance Building
Meek, Marcellus W.....	2242 W. Jackson Boulevard
Meneley, Harry W.....	179 W. Washington Street.
Mergentheim, Morton A.....	401-4 Otis Bldg.
Merrick, George P.....	1301 Title & Trust Building
Meusel, Oscar M.....	1220 Ft. Dearborn Building
Meyer, Abraham.....	2010 Continental & Com'l Bank Bldg.
Meyer, Carl.....	2010 Continental & Com'l Bank Bldg.
Meyer, George H.....	300-14 W. Washington St.
Mies, Frank P.....	826 Lumber Exchange Bldg.
Michal, Charles J.....	909 City Hall Square Building

CHICAGO—Continued.

Milchrist, Thomas E.....	1600 Westminster Building
Milkewitch, Isaac.....	1929-208 So. La Salle Street
Miller, Amos C.....	1018-22 New York Life Building
Miller, George W.....	1639 First National Bank Building
Miller, Jay D.....	600 W. Erie St.
Miller, J. S.....	1522 First National Bank Building
Miller, Luther L.....	1515 Monadnock Block
Miller, Robert Wyness.....	1210 Title & Trust Bldg.
Mills, Allen G.....	532 Monadnock Block
Mindak, Peter P.....	826 Federal Building
Mitchell, Charles H.....	820 Unity Bldg.
Mitchell, George R.....	916 Title & Trust Building
Moak, William B.....	1007 Ft. Dearborn Building
Moffett, Willard.....	411 So. Sangamon St.
Montgomery, John R.....	959 The Rookery
Moody, W. C.....	901 Association Building
Moore, N. G.....	1605 Marquette Building
More, Clair E.....	518 Home Insurance Building
More, R. Wilson.....	1201-6 Title & Trust Building
Morgan, George N.....	800-30 No. Dearborn Street
Morrill, Donald L.....	1210 Title & Trust Building
Morris, Henry C.....	924 Marquette Building
Morris, Joseph O.....	1009 New York Life Building
Morrison, C. B.....	652 Federal Building
Morse, Charles F.....	709-111 West Monroe Street
Moses, Joseph W.....	600-14 The Temple
Moss, William R.....	542-5 First National Bank Building
Moulton, Frank I.....	1217-23 Westminster Bldg.
Muhlke, Joseph H.....	405 Portland Block
Mullen, Timothy F.....	811 The Rookery
Mulligan, George F.....	816 Ashland Block
Munger, Edwin A.....	402-35 N. Dearborn Street
Munroe, Charles A.....	1310-72 W. Adams Street
Murray, James S.....	1210 Title & Trust Building
Murray, P. F.....	816 Ashland Block
Musgrave, Harrison	905 First National Bank Building
Nelson, Harry C.....	905-164 Dearborn Street
Neuffer, Paul A.....	851 Otis Building
Newberger, William S.....	322 Ashland Block
Newcomb, George Eddy.....	1944 W. Madison Street
Newey, Frederick J.....	1307 Marquette Building
Newman, Jacob.....	1615 Lumber Exchange Bldg.
Newton, Charles E. M.....	901 Otis Bldg.
Niblack, William C.....	69 W. Washington Street

CHICAGO—Continued.

Niemeyer, Grover C.....	1414 Ft. Dearborn Building
Noonan, Edward T.....	507-105 So. Dearborn Street
Norcross, Frederic F.....	2085-208 So. La Salle Street
Normoyle, D. J.....	1017-21 Unity Building
Northrup, John E.....	1907 City Hall Square Bldg.
Norton, Thos. James.....	1011 Railway Exchange
Obermeyer, Charles B.....	329 The Temple
O'Brien, Quin.....	1044 Otis Building
O'Connor, Charles J.....	1522 Tribune Building
O'Connor, J. James.....	2011 Harris Trust Building
O'Connor, John.....	1007 Stock Exchange Building
O'Connor, John M.....	Superior Court
O'Connell, Jeremiah B.....	1015 New York Life Building
Octigan, Thomas P.....	1207 Ft. Dearborn Building
O'Donnell, Joseph A.....	17 Metropolitan Block
O'Donnell, James V.....	420 Reaper Block
Offield, C. K.....	1228 Monadnock Building
O'Hara, Benjamin.....	724 National Life Building
O'Hare, Thos. J.....	1107-14 Stock Exchange Building
O'Keefe, P. J.....	208 So. La Salle
Oldfield, A. A.....	1228 Monadnock Block
Olson, Olaf A.....	69 W. Washington St.
Olson, Albert O.....	1400 Title & Trust Building
Olson, Harry.....	917 City Hall
O'Meara, C. S.....	510 Stock Exchange Building
O'Neill, Hugh.....	1427 Conway Building
Orr, Louis T.....	204 Reaper Block
Orvis, Justin K.....	29 So. La Salle Street
Osgood, Roy C.....	68 W. Monroe Street
Otto, George C.....	1524 Marquette Building
Owens, John E.....	1417 Conway Bldg.
Packard, Geo.....	1522 First National Bank Building
Paden, Joseph E.....	1928 Insurance Exchange
Page, Cecil.....	1601-3 First National Bank Building
Page, Hubert E.....	1343-8 Marquette Building
Pain, Charles E.....	1301 First National Bank Building
Paltzer, Charles W.....	1220-112 W. Adams Street
Pam, Hugo.....	Appellate Court
Pam, Max.....	859 The Rookery
Parker, Francis W.....	1410 Marquette Building
Parker, Lewis W.....	1240 Marquette Building
Parkin, Harry A.....	801 Home Insurance Building
Parkinson, Robert H.....	1513-20 Marquette Building

CHICAGO—Continued.

Patterson, Perry S.....	934-44 Tribune Building
Payne, John Barton.....	1400 First National Bank Building
Peaks, George H.....	1701 Borland Building
Pearson, Haynie R.....	1140 First National Bank Bldg.
Petersen, Samuel.....	127 No. Dearborn Street
Pearson, H. P.....	1502 Borland Building
Pease, Warren.....	610 Title & Trust Building
Peck, George R.....	5836 Washington Boulevard
Peck, Ralph L.....	1410-76 W. Monroe St.
Peden, Thomas J.....	809 City Hall Square Bldg.
Pebbles, Henry R.....	1538 Tribune Building
Pendarvis, Robert E.....	58 Borden Block
Pendleton, Carleton H.....	1201-112 W. Adams Street
Pennywitt, Don P.....	502 Chamber of Commerce
Perlmann, Israel B.....	1112 Otis Bldg.
Peters, G. W.....	925 The Temple
Peterson, James A.....	1313 Chamber of Commerce
Petit, Adolor J.....	Circuit Court
Pettibone, Robert F.....	1402 Ashland Block
Pflaum, A. J.....	1038-1045 Stock Exchange Building
Pickett, C. C.....	7 So. Dearborn St.
Pierce, James H.....	1431 Marquette Building
Pinckney, Merritt W.....	Juvenile Court
Pinderski, Louis.....	204-1225 No. Ashland Avenue
Piotrowski, N. L.....	307 Ashland Block
Pines, George S.....	309 Harris Trust Building
Pisha, Joseph C.....	402 Rector Bldg.
Platt, Henry Russell.....	2010 Cont. & Commercial Bank Bldg.
Pollack, Sidney S.....	726 First National Bank Building
Poppenhusen, Conrad H.....	1615 Lumber Exchange Bldg.
Porter, Gilbert E.....	72 W. Adams St.
Post, Phillip S., Jr.....	606 So. Michigan Avenue
Potter, Frank H. T.....	701 Merchants Loan & Trust Bldg.
Potter, Ralph F.....	1145 The Rookery
Potts, Cuthbert.....	1531-6 Unity Building
Potts, Joshua R. H.....	1112 Hartford Building
Poulton, John J.....	734 Otis Building
Powell, Charles L.....	2010 Cont. & Commercial Bank Bldg.
Power, James D.....	58 W. Washington Street
Powers, Millard R.....	1310 Borland Building
Pratt, G. E. M.....	1003-109 No. Dearborn Street
Prentice, H. B.....	76 W. Monroe St.
Prentiss, William.....	1518 Ashland Block
Prescott, William.....	301-58 W. Washington Street

Price, Henry W.....	300-10 So. La Salle Street
Price, Lin Wm.....	826 Federal Building
Prindiville, Thomas W.....	1107 Stock Exchange Building
Prindiville, John K.....	Municipal Court
Pringle, William J.....	723 The Temple
Pringle, Frederick W.....	901-203 So. Dearborn Street
Prussing, Eugene E.....	1122 Merchants Loan & Trust Bldg.
Purcell, William A.....	429 American Express Building
Raber, Edwin J.....	State's Attorney's Office
Rafferty, Joseph P.....	Municipal Court
Raftree, M. L.....	1255 Conway Bldg.
Rankin, Chase R.....	606-118 No. La Salle Street
Rankin, John M.....	1402 Hartford Bldg.
Rankin, Ode L.....	404-6 Ashland Block
Rathbone, Henry R.....	1309 Title & Trust Building
Rawlins, Edward W.....	940 The Rookery
Read, Frederick P.....	1440 First National Bank Building
Rector, Edward.....	1958 McCormick Building
Redfield, Robert.....	1309-15 Stock Exchange Building
Redmond, Andrew J.....	1652 Otis Bldg.
Reed, Clark S.....	511 Portland Block
Reed, Frank F.....	839 People's Gas Building
Reed, John P.....	1600 Westminster Building
Reed, William L.....	1524 Harris Trust Building
Reichmann, Alexander F.....	1501 Corn Exchange Bank Building
Remy, Victor A.....	606 So. Michigan Avenue
Reynolds, Asa Q.....	1414 Ft. Dearborn Building
Rhoads, Carey W.....	2010 Cont. & Commercial Bank Bldg.
Rice, Cyrus W.....	Tribune Building
Richards, John T.....	1124 Edison Building
Richards, Robert W.....	1540 Otis Building
Richardson, J. A.....	100 Washington Street
Richardson, John.....	811-16 Unity Building
Richberg, Donald R.....	1817-20 Harris Trust Building
Richberg, John C.....	1817-20 Harris Trust Building
Richolson, Benjamin F.....	1228 First National Bank Building
Rickcords, F. Stanley.....	1605-6 Title & Trust Building
Riley, Harrison B.....	69 W. Washington Street
Ritchie, William.....	1512 City Hall Square Building
Ritter, Henry A.....	226 La Salle Street
Robbins, Henry S.....	1520-105 So. La Salle
Roberts, Jesse E.....	1825-76 W. Monroe Street
Robertson, Egbert.....	817 First National Bank Bldg.
Robinson, Max.....	109 N. Dearborn Street
Rockhold, F. A.....	1101-4 Otis Building

CHICAGO—Continued.

Rodgers, Edward S.....	839 People's Gas Building
Rodgers, John L.....	1020 Chamber of Commerce
Rogan, William A.....	1222 First National Bank Building
Rogers, George T.....	801 Home Insurance Building
Rogers, Rowland T.....	729-208 So. La Salle St.
Rolf, A. A.....	1212-72 W. Adams Street
Rooney, John J.....	Municipal Court
Rooney, Thomas E.....	1040-48 Tribune Building
Rose, John A.....	1510 Title & Trust Building
Rosenbaum, Menz I.....	1618 Tribune Building
Rosenthal, James.....	1104 Rector Building
Rosenthal, Lessing.....	1400 Fort Dearborn Building
Ross, Walter W.....	1210-105 So. La Salle Street
Rothmann, William.....	1340 First National Bank Building
Rothschild, Isaac S.....	1003 Strauss Bldg.
Rothschild, Jacob.....	62-106 La Salle Street
Rowe, Frederick A.....	621 The Temple
Rubens, Harry.....	1418 Westminster Building
Rundell, Charles O.....	1620 Corn Exchange Bank Building
Rust, Wm. H. A.....	1016 Ashland Block
Ryan, Andrew J.....	1600 First National Bank Building
Ryan, Joseph D.....	1318 Ashland Block
Ryden, Otto G.....	1611 Conway Bldg.
Ryer, Julian C.....	1410 Title & Trust Building
Sabath, A. J.....	739-29 So. La Salle Street
Sabath, Joseph.....	Municipal Court
Safford, William H.....	1524 Otis Building
Salisbury, F. L.....	1520-139 No. Clark Street
Samuels, Benjamin.....	1326 Tribune Building
Samuels, Benjamin John.....	1322-26 Tribune Building
Sass, Frederick.....	1414 Ft. Dearborn Building
Sass, George.....	756-29 So. La Salle Street
Sauter, Lewis Edward.....	1401-4 Otis Building
Sawyer, Carlos P.....	1001 Title & Trust Building
Sawyer, Ward B.....	1220 Stock Exchange
Scanlan, Kickham.....	Court House—Appellate Court
Schaffner, Arthur B.....	1003 Harris Trust Building
Schlesinger, Elmer.....	2010 Cont. & Commercial Bank Bldg.
Schofield, Henry.....	31 West Lake Street
Schofield, T. J.....	1540 Otis Building
Schwartz, Arthur L.....	76 W. Monroe St.
Schwartz, Ulysses S.....	1412 Harris Trust Building
Scott, Frank H.....	1620 Corn Exchange National Bank
Scott, George A. H.....	1145 So. Wabash Ave.

CHICAGO—Continued.

Scovel, John C.....	1402 Hartford Building
Sears, Nathaniel C.....	1500 First National Bank Building
See, Cornelius S.....	1413 Ashland Block
Sentz, Channing L.....	832 Marquette Building
Sexton, William H.....	1305-15 Stock Exchange Bldg.
Seymour, E. M.....	1410 Ashland Block
Shabad, Henry M.....	1231-36 Unity Building
Shaffner, B. M.....	904-109 No. Dearborn Street
Shannon, Angus Roy.....	500 Portland Block
Shaver, Harry L.....	1066 People's Gas Building
Shaw, Ralph M.....	1400 First National Bank Building
Shaw, Warwick A.....	1507 Fort Dearborn Building
Sheean, Henry D.....	940 The Rookery
Sheean, James M.....	940 The Rookery
Sheean, John A.....	1027 New York Life Building
Shepard, Frank L.....	626 The Temple
Shepard, Stuart G.....	933-44 Tribune Building
Sheridan, Thomas F.....	1529-35 Marquette Building
Sheriff, Andrew R.....	1060 The Rookery
Sherlock, John J.....	1106-8 Fisher Building
Sherman, Bernis W.....	903 Security Building
Sherman, Roger.....	801 Home Insurance Building
Shinnick, Edward E.....	1501-4 City Hall Square Bldg.
Shorey, Clyde E.....	405-12 Home Insurance Building
Shortall, John L.....	601 Title & Trust Building
Shrimski, Israel.....	1630 Tribune Building
Sidley, William P.....	1007 Tacoma Building
Silber, Clarence J.....	614 Home Insurance Building
Silber, Frederick D.....	614 Home Insurance Building
Sims, Edwin W.....	808 Marquette Building
Simmons, Parke.....	205 W. Monroe Street
Siqueland, Tryggve A.....	154 East Erie Street
Skinner, James G.....	601 Otis Building
Smejkal, Edward J.....	720 Reaper Block
Smietanka, Julius.....	610-69 W. Washington Street
Smith, Abner.....	30-128 No. La Salle Street
Smith, Ben M.....	1016-29 So. La Salle Street
Smith, Blake C.....	942 Otis Building
Smith, Elmer A.....	809 E. 11th Place
Smith, Jasper M.....	959 Rookery Building
Smoot, Harry E.....	1321-4 Stock Exchange
Smyser, Nathan S.....	1007 Marquette Building
Sonnenschein, Edward.....	934-39 Stock Exchange Building
Sonnenschein, Hugo.....	934-39 Stock Exchange Building

CHICAGO—Continued.

Sonsteby, John J.....	605 Association Building
Spencer, Charles C.....	1417 Conway Building
Spitzer, Sherman C.....	703 Title & Trust Building
Sprague, Wm. C.....	108 So. La Salle Street
Stapleton, Wm. J.....	826 Otis Building
Stafford, Charles B.....	739-29 So. La Salle Street
Starr, Merritt	1522 First National Bank Building
Stead, W. H.....	924-934 Otis Building
Stead, J. Walter.....	1706-105 So. La Salle Street
Steffen, Walter P.....	1016-29 So. La Salle St.
Stein, Philip.....	1633 First National Bank Building
Stein, Sidney.....	1633 First National Bank Building
Stelk, John.....	Municipal Court
Stern, Henry L.....	1615 Lumber Exchange
Stephens, Redmond D.....	1620 Corn Exchange Bank Building
Sterrett, Malcolm B.....	Criminal Court Bldg.
Steven, James A.....	1201-112 W. Adams Street
Stevens, George M., Jr.....	606-7 Ashland Block
Stevens, George M.....	925-26 Stock Exchange Building
Stevens, William B.....	926 Chicago Stock Exchange Bldg.
Stevenson, Morton J.....	1522 Tribune Bldg.
Stevenson, Ralph D.....	701 Merchants Loan & Trust Bldg.
Stewart, Wm. Scott.....	69 W. Washington St.
Stewart, R. W.....	934-72 W. Adams Street
Stillwell, James.....	1540 Otis Building
Stitt, Thomas L.....	942 Otis Building
Stratton, Abram B.....	% Armour & Co., U. S. Yards
Straus, Simeon.....	301 Ashland Block
Strawn, Silas H.....	1400 First National Bank Building
Strohm, Harry L.....	809-6-36 W. Randolph Street
Stubblefield, Arnott.....	1216 First National Bank Building
Sullivan, Denis E.....	Superior Court
Sutherland, Thomas J.....	1303 Association Bldg.
Swanson, John A.....	1420 Unity Building
Symes, John J.....	New York Life Bldg.
Taylor, Dudley.....	1818 City Hall Square Building
Taylor, George H.....	515 Royal Insurance Building
Taylor, Howard S.....	720 Cambridge Bldg.
Taylor, Orville J., Jr.....	1602 Corn Exchange Bank Bldg.
Taylor, Thomas, Jr.....	1212 First National Bank Building
Taylor, William A.....	1402 Ashland Block
Tenney, Horace Kent.....	801 Home Insurance Building
Thomas, Morris St. Palais.....	306 Portland Block
Thomason, Frank D.....	1028 Tribune Building

CHICAGO—Continued.

Thomason, S. E.....	934 Tribune Building
Thompson, E. F.....	915 Hartford Building
Thompson, M. W.....	350 No. Clark Street
Thomson, Charles M.....	1000 American Trust Building
Thornton, Charles S.....	704-5 Pullman Building
Tinsman, H. E.....	1350 First National Bank Building
Tolman, Edgar B.....	1305-15 Stock Exchange Building
Topliff, Samuel.....	611-35 No. Dearborn Street
Torrison, Oscar M.....	728 Reaper Block
Towle, H. S.....	1228 Monadnock Building
Trainor, Charles J.....	506 Ashland Block
Trainor, John C.....	51-138 No. La Salle Street
Treacy, Phillip H.....	5 No. La Salle Street
Triska, Joseph F.....	5105 S. Ashland Avenue
Trude, Daniel P.....	1308 City Hall Square Building
Trude, Samuel H.....	Municipal Court
Trumbull, Donald S.....	1501 Corn Exchange Bank Building
Tuthill, Richard S.....	Circuit Court
Tyrrell, John F.....	524-29 So. La Salle St.
Uhlir, Joseph R.....	City Hall
Underwood, George W.....	814 Tacoma Building
Upton, E. L.....	511 Borden Block
Urion, Alfred R.....	137 So. La Salle Street
Utt, W. H.....	1600 Westminster Building
Vannatta, John E.....	1208-10 Unity Building
Van Schalck, Guy.....	1116 National Life Building
Veeder, Henry.....	76 W. Monroe Street
Vent, Thomas G.....	1515 First National Bank Building
Vennema, John.....	1407 Marquette Building
Vincent, William A.....	420 The Rookery
Vogle, Charles F.....	1515 First National Bank Building
Voigt, John F.....	72 W. Adams Street
Von Reinsperg, Harry.....	1624 First National Bank Building
Vose, Frederick P.....	1343-9 Marquette Building
Vroman, Charles E.....	1206 Marquette Building
Wade, Edward T.....	Municipal Court
Wakelee, Harry W.....	601 N. Y. Life Bldg.
Walker, Edwin K.....	1610 Corn Exchange Bank Building
Walker, Emery S.....	1216-105 W. Monroe St.
Walker, Francis W.....	815 Marquette Building
Walker, George R.....	1253 Conway Building
Walker, Ransom E.....	518 Ashland Block
Wallace, Henry L.....	1703 Majestic Building
Walsh, John W.....	600 Washington Blvd.

CHICAGO—Continued.

Walsh, Martin.....	614-118 No. La Salle Street
Waltz, Merle B.....	105 No. Clark Street
Ward, Daniel J.....	808 Marquette Bldg.
Washburn, William D.....	712 New York Life Building
Waterman, George W.....	41-106 No. La Salle Street
Waters, John E.....	1009 Chamber of Commerce
Watson, George B.....	916-69 W. Washington Street
Wean, Frank L.....	434 Monadnock Building
Weart, Garrett V.....	705-25 No. Dearborn Street
Weber, Harry P.....	1639 First National Bank Building
Weber, Joseph A.....	1504 City Hall Square Bldg.
Webster, Charles R.....	1114 Association Building
Wegg, F. J.....	1610 Corn Exchange Bank Building
Weissenbach, Joseph.....	1630 Tribune Building
Welch, William S.....	901 Association Building
Wellman, B. J.....	1217 Ashland Block
Wenban, A. C.....	410 Portland Block
Wentworth, Daniel S.....	1600 Westminster Building
Werno, Charles.....	1617 City Hall Square Building
Wertheimer, Benjamin J.....	3805 Grand Boulevard
West, Roy O.....	1340 First National Bank Building
Wetten, Emil C.....	800 The Temple
Wheelock, William W.....	1307 Marquette Building
Whipple, Merrick Ames.....	1103-105 W. Monroe St.
White, Edward H.....	1202 Fort Dearborn
White, Harold F.....	900 The Temple
Whitman, Russell.....	306 Portland Block
Whitney, Edward S.....	1500 First National Bank Building
Whitney, Max H.....	New York City
Wickett, Frederick H.....	1610 Corn Exchange Bank Building
Wigmore, John H.....	31 W. Lake Street
Wilbur, George W.....	46-54 W. Randolph Street
Wiley, Silas M.....	1500 First National Bank Building
Wilcox, Jesse.....	37-47 Metropolitan Block
Wilkerson, James H.....	1145 The Rookery
Wilkinson, Earl B.....	1006 Tribune Building
Willard, Monroe L.....	1501 Corn Exchange Building
Williams, Arista B.....	816 National Life Building
Williams, Ednyfed H.....	1406 Tribune Building
Williams, Harris F.....	2023 Harris Trust Building
Williams, John C.....	410 Corn Exchange Bank Bldg.
Williams, S. Laing.....	3439 So. State St.
Willson, Royal Andrew.....	Con. & Com. Trust & Sav. Bank
Wilson, Francis S.....	810 Title & Trust Building

CHICAGO—Continued.

Wilson, John P.....	1605 Marquette Building
Wilson, Warren B.....	1433 Conway Building
Windes, Thomas G.....	Circuit Court
Wise, William G.....	501 Title & Trust Building
Wolf, Henry M.....	1501 Corn Exchange Bank Building
Wolff, Oscar M.....	1212 Fort Dearborn Building
Wood, Cyrus J.....	307 Ashland Block
Wood, Elijah C.....	424 National Life Building
Wood, Franklin N.....	712 1st Nat'l Bank Bldg.
Woodward, Charles E.....	604 Chamber of Commerce
Wolfe, A. R.....	39 So. La Salle Street
Woolley, Francis J.....	118 No. La Salle Street
Wormser, Leo F.....	1400 Ft. Dearborn Building
Wright, A. B.....	414 Merchants Loan & Trust Bldg.
Wyman, Vincent D.....	1410 City Hall Square Building
Young, Thomas J.....	734 Otis Building
Zacharias, Michael C.....	1501 Ashland Blk.
Zane, John M.....	709 Harris Trust Building
Zeisler, Sigmund.....	906 Straus Building
Zillman, Christian C. H.....	16 Metropolitan Block
Zimmerman, E. A.....	436 National Life Building
Ziv, Louis.....	411 Reaper Block
Zook, David L.....	1040 Otis Building

CHICAGO HEIGHTS.

Brinkman, George A.

CLINTON.

Miller, Arthur F.	Sweeney, Edward J.
Mitchell, E. B.	Williams, L. O.

COLFAX.

Hester, A. M.

COULTERVILLE.

Adami, Victor

DANVILLE.

Acton, Robert Dow	Lindley, Walter C.
Acton, William M.	Love, Isaac A.
Dwyer, James	Mabin, Geo. G.
Grant, Walter J.	Mann, Joseph B.
Hall, Arthur A.	Mann, Oliver D.
Hogan, Dan, Jr.	Meeks, James A.
Holmes, Ralph B.	Penwell, Fred B.
Jewell, W. R., Jr.	Rearick, George F.

DANVILLE—Continued.

Lewman, John H.
Lindley, Frank

Stephens, R. Allan
Swallow, H. A.
Troup, Charles
Woodbury, J. C.

DECATUR.

Baldwin, James S.
Corley, D. C.
Crea, Hugh
Deck, Jesse L.
Fitzgerald, John R.
Hogan, John J.
Housum, Hugh W.
Jack, Thomas P.
Latham, J. H.

McCullough, W. G.
McDavid, Horace W.
McMillen, Clark A.
Miller, Phillip P.
Mills, Walter H.
Schroll, Charles E.
Vall, Robert P.
Wiley, Francis R.
Whitley, James T.

DE KALB.

Dowdall, John A.

McEwen, Harry W.

DELAVAN.

Jones, Henry P.

Jones, J. A.

DENVER, COLO.

Karcher, Geo. H.

DIXON.

Bardwell, O. C.
Dixon, Henry S.
Dixon, George C.

Smith, Clyde
Warner, Henry C.

DOWNERS GROVE.

Willard, Norman P.

DUQUOIN.

Wall, George M.

DWIGHT.

Ahern, C. J.

Seymour, R. V.

EAST ST. LOUIS.

Campbell, Bruce A.
Crow, George A.
Fekete, Thomas L., Jr.
Flannger, J. L.
Flannigan, Robert H.
Gillisple, Thomas E.
Hamlin, John E.

McGlynn, Dan
Messick, J. B., Sr.
Messick, J. B., Jr.
Miller, Clyde
Ropiequet, R. W.
Smith, Frank C.
Sullivan, D. J.

EAST ST. LOUIS—Continued.

Hayden, Merritt W.	Trautmann, William E.
Joyce, Maurice V.	Vandeventer, W. M.
Karch, Chas. A.	Vickers, Jay F.
Keefe, David E.	Weber, W. R.
Knowles, W. E.	Webb, T. M.
Kramer, Edward C.	Whitnel, L. O.
Kramer, Rudolph J.	

EDGEWOOD.

Danks, George I.

EDWARDSVILLE.

Burroughs, B. R.	Hayden, Merritt W.
Burroughs, George D.	Hillskoetter, J. R.
Burroughs, William G.	Mudge, D. H.
Burton, Charles H.	Ryder, N. L.
Early, William P.	Simpson, Jesse L.
Geers, Lester M.	Terry, C. W.
Gilliams, F. J.	Williamson, Thomas
Hadley, W. E.	

EFFINGHAM.

Harrah, R. C.	Taylor, O. F.
Holmes, W. S.	Wright, William B.
Rickelman, Harry J.	Wright, David L.

ELGIN.

Egan, Robert S.	Joslyn, Frank W.
Irwin, C. F.	Western, Irving M.

ELIZABETHTOWN.

Ledbetter, John I. A.	Oxford, John C.
Watson, James A.	

EL PASO.

Baker, Horace	Bosworth, John F.
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EVANSVILLE, INDIANA.

Schwerk, William M.

FAIRBURY.

Henning, Robert

FARMER CITY.

Herrick, Lot R.

FREEPORT.

Burrell, Louis H.
Clarity, A. J.
Heard, Oscar E.

Pattison, Deuglass
Zipf, Oscar R.

FULTON.

McMahon, Charles C.

FT. LAWDERDALE, FLORIDA.

Bayston, A. H.

GALENA.

Baume, James S.
Campbell, F. J.
Dillon, M. J.

Kerz, Paul
Sheean, David
Sheean, Thomas J.

GALESBURG.

Arnold, Wilfred
Craig, C. C.
Daugherty, M. J.
Davis, James E.
Frank, Walter C.
Gale, George Candee
Green, Alvah S.
Harris, Charles S.
Hendryx, C. D.
Hunt, R. C.
Lawrence, George A.
Lewis, John H., Jr.
Malley, J. E.
McLaughlin, Bert E.

Moreland, Armour
Moreland, John R.
Ogden, Charles L.
Rice, Robert Clifford
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